JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1946

Begun on the eighth day of January and adjourned sine die on the twenty-second day of March, 1946

PROPERTY OF THE COMMONWEALTH OF KENTUCKY

PERRY PUBLISHING COMPANY
FRANKFORT, KENTUCKY
PRINTERS TO THE COMMONWEALTH OF KENTUCKY

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

Regular Session, 1946

WEDNESDAY, FEBRUARY 13, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by Father O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Chas. W. Burnley	A. H. Eversole
Roy W. Arnold	Alex. H. Calvert	Henry J. Giles
F. O. Baker	W. K. Coleman	Tom Gilliam
Harold L. Barnes	Fred Creasey	M. B. Gilligan
F. H. Bassett, Jr.	S. J. Daugherty	Otto W. Goff
Ott Begley	L. A. Demumbrun	R. M. Hall
W. G. Biggers	E. R. Denny	C. L. Hammonds
Jack Bingham	Adron Doran	Harold G. Helm
B. J. Bonn	G. I. Drury	E. R. Hilton
J. C. Bradley	Forest C. Easley	Clyde S. Howard
B. K. Brantley	Bernie S. Edlin	Maurice Howard
John Y. Brown	Eck Embry	Jerry F. Howell
Mrs. Mary Burnett	R. R. Ernst	J. J. Huff

Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
P. J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
W. L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 66. An Act relating to motor vehicles, motor trucks, semi-trailers, etc.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. McPherron moved that the privilege of the floor be extended to Mesdames Lewis Green and Roy McPherron.

Said motion was agreed to.

Mr. Whitton moved that the privilege of the floor be ex-

tended to Mr. C. Sid Nabb and Mrs. Nabb, Mrs. E. L. Thompson, Mrs. Bolgree.

Said motion was agreed to.

Mr. Bassett moved that the privilege of the floor be extended to Mrs. Roberts.

Said motion was agreed to.

Mr. Bassett moved that the privilege of the floor be extended to Mr. F. B. Sturgill, and Alex Davidson.

Said motion was agreed to.

Mr. Gilliam moved that the privilege of the floor be extended to Messrs. Walter Thacker, Aubrey Akin and Superintendent Foust.

Said motion was agreed to.

Mr. Rodes K. Myers moved that Misses Carolyn and Lucy Lee Moore, daughters of Mr. and Mrs. J. Lee Moore be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Eversole moved that the privilege of the floor be extend to Mr. Russell Dyche.

Said motion was agreed to.

The Clerk produced and read the following communication:

Paris, Kentucky
February 12, 1946
Resolutions regarding House Bill No. 238.

At a public meeting attending by representative citizens from Paris and Bourbon County at the Paris Christian

Church on Tuesday night, February 12, 1946, the following resolutions were unanimously passed:

Whereas, the liquor and brewery interests have caused to be introduced in the General Assembly House Bill No. 238, which bill, if enacted into law would nullify the County Unit system in the present Local Option Law, and

Whereas, the sponsors of this bill and the "wet" committee to which it was referred have handled it in such a secret manner as to not give the public an opportunity to be heard on the merits thereof; and said bill was not printed and made available to the members of the General Assembly until it had been reported out of the Committee and placed in the Orders of the Day, now therefore,

Be it resolved by the Christian Citizenship of Bourbon here assembled:

That the House of Representatives of the General Assembly be and at the same time is hereby petitioned to delay action on House Bill 238 until such time as a public hearing can be had and until such time as the moral forces of the Commonwealth can be heard in opposition to said bill,

We go on record as opposed to the passage of said bill and that the defeat of said bill be urged and fought for,

A copy of these resolutions be mailed to the Speaker of the House of Representatives that the same be brought to the attention of the members of the House, with the request that the House set a time for a public hearing on this bill permitting all interested parties to be heard.

F. S. Pineur, Chairman
Rhodes Thompson, Secretary

Mr. W. R. Smith moved that the privilege of the floor be extended to Mr. Carl D. Perkins.

Said motion was agreed to.

Mr. Peniston moved that the privilege of the floor be extended to Mrs. Virginia Costel.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Howell of the Committee on Appropriations.

H. B. 124. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, etc.

With a Committee Amendment thereto by way of Substitute therefor.

By Mr. Gilliam of the Committee on Cities of the Second Class.

H. B. 212. An Act to amend Sec. 64.120 and 70.030 KRS which act relates to sheriffs in certain counties in this Commonwealth.

Mr. Prichard moved that the Rules of this House be suspended and that a bill entitled:

H. B. 209. An Act relating to proof in divorce cases.

Which was reported by the Committee on Kentucky Statutes on February 6, with the expression of opinion that said bill ought not to pass,

Be recommitted to the Committee on Kentucky Statutes.

Said motion was agreed to.

Mr. Arnold moved that the Rules of this House be suspended and that a resolution entitled:

H. Res. 29. A Joint resolution providing for payment of per diem of the late J. T. Linton.

Which was reported by the Committee on Claims on

February 8 with the expression of opinion that said resolution ought not to pass,

Be recommitted to the Committee on Claims.

Said motion was agreed to.

Mr. Todd moved that a bill entitled:

H. B. 238. An Act relating to local option.

Be laid on the Clerk's Desk until such time as a public hearing may be held.

Said motion was agreed to.

Mr. Runyon of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill entitled:

S. B. 28. An Act amending KRS relating to financial administration of the State.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Messrs. Denney, and Kitchen.

H. B. 312. An act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means taking fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grappling hooks, gang hooks, or snag lines, or gigs and nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commission" means the Game and Fish Commission.

(4) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(5) "Director" means the Director of the Division of Game and Fish.

(6) "Division" means the Division of Game and Fish.

(7) "Impounded waters" means any public waters backed up by a dam constructed and used for hydro-electric purposes or for the purposes of flood control.

(8) "Minnows" means all fish under six inches in length, except bass (large and small mouth), rock bass, goggle-eye, trout, crappie, jack salmon, walleyed pike or striped bass, and sand pike or sauger or muskellunge.

(9) "Navigable waters" means any waters within this state under lock and dam.

(10) "Nonresident" is a person who has not resided in this state for one year prior to his application for a license.

(11) "Public waters" means all waters within the state flowing in a natural channel stream.

(12) "Raw fur" means a hide, fur or pelt of a fur-bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(13) "Resident" is a person who has resided in this State for one year prior to his application for a license.

(14) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(15) "Take" means hunt, kill, trap or capture in any way or attempt to hunt, kill, trap or capture in any way.

(16) "Transport" includes offering or receiving for transportation.

(17) "Wild bird" and "wild animal" includes such wild bird or wild animal or any part thereof.

Section 2. Subsection (3) of Section 150.160 of Kentucky Revised Statutes of 1944 is amended to read as follows:

(3) There shall be taxed as costs in each case, where there is a conviction under this chapter, a fee of $5.00, which shall be forwarded to the Division of Game and Fish, by the Judge or Clerk of the court. The report made under KRS 150.140 shall include the name of the arresting officer and the Division shall within 90-days after the receipt of any fee taxed under this section pay the fee over to the arresting officer.

Section 3. Section 150.170 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as provided in subsection (2), (3), (4), (5), and (6) of this section, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein, except as provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping, and, without a fishing license, take fish by angling, or take minnows by use of a minnow seine.

(3) Resident land owners, their resident children and lessees on their lands may, without a fishing license, take fish

from the waters therein by angling, such angling, in the case of public waters, to be from the bank only, and may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or non residents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is 65 years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry on his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this State who kills on his land any wild animal that is causing damage to such land or to any personal property located thereon.

(7) In the event a reciprocal agreement is entered into between the Director of the Division of Game and Fish of this State, with the approval of the Commission, and the similar authority of the State of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-resident) or a state-wide hunting license (Resident or Non-resident) or county hunting license issued in this State are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the state of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this State, without having obtained a license therefor in this State.

Section 4. A new section of the statutes is created to be numbered section 150.175 and to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized by such licenses and tags subject to the other provisions of this chapter, are as follows:

(1) A fishing license, which authorizes the holder thereof to take fish by angling from any of the waters of this State, including the Ohio River; and to take minnows by use of a minnow seine; and to take frogs.

(2) A 3-day fishing license, which may be issued only to a non-resident and which authorizes the holder thereof to take fish by angling from any of the waters of this state, including the Ohio River, for a period of three consecutive days, beginning as of a day which shall be stated in the license by the county clerk when issued.

(3) A commercial fishing license,-which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of seines, hoop nets, or snag lines, provided that he has obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail.

(4) A wholesale fish dealer's license, which authorizes the holder thereof to sell to dealers or retailers for the purpose of re-sale, any kind of fresh or salt water fish not protected by this chapter, and imported wall-eyed pike or sauger. This is not intended to require a license for the sale of canned, smoked, pickled or dried fish.

(5) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River by angling only.

(6) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3) of this section, provided that he has obtained a tag for each seine, hoop net and snag line.

(7) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder there-

of to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, 100-feet of seine or part thereof. A separate tag is required for each 100-feet of seine or part thereof.

(8) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag is required for each hoop net.

(9) A snag line tag, which may be issued only to the holder of commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag is required for each snag line.

(10) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

(11) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

(12) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county of this state, with bow and arrow, gun, gun and dog, or dog; and to take wild birds with bow and arrow, or with gun; and to participate in a fox hunting party engaged in hunting or pursuing red fox with dogs for sport; and to take frogs.

(13) A county hunting license, which may be issued only to a resident of this state, and which authorizes the holder thereof to exercise, only in the county for which the license is issued, the privileges authorized by a state-wide hunting license.

(14) A trapping license, which authorizes the holder thereof to take wild animals by trapping, upon his own lands or upon the lands of another person (after having obtained a written consent as provided in KRS 150.400 and 150.410).

(15) A taxidermist license, which authorizes holder

thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

(16) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration for any kind for services rendered as a guide for angling or hunting parties.

(17) A rabbit retail dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits from 26 to 100 in any day, for retail sale.

(18) A rabbit wholesale dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits of 26 to 500 in any day for wholesale or retail sale.

(19) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and to sell raw furs so purchased to a licensed fur processor.

(20) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or holder in cold storage for re-sale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from other fur processors licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

(21) A nonresident for buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this State.

Section 5. A new section of the statutes is created to be numbered KRS 150.176 and to read as follows:

No hunting or fishing licenses authorized by this chapter

shall be issued to a resident of any other state which does not grant to citizens of this state the privilege to secure a license to hunt and fish during any open season in such state.

Section 6. Section 150.180 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as otherwise provided in this section or elsewhere in this chapter, no person for himself or as agent or employe of another, shall sell or buy, or transport or direct to be transported, any wild animal, wild bird, or fish protected by this chapter, or any raw fur.

(2) Rabbits, and mussels, and fish, other than black bass (large mouth or small), crappie, jack salmon, or wall-eyed pike or striped bass, sand pike or sauger and muskellunge may be bought and sold, and transported, if in legal possession, except that no rabbits may be sold to a nonresident for the purpose of transporting out of this State, or to be shipped out of this State.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper to a licensed buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed resident fur buyer may buy raw furs from a licensed trapper, if in legal possession of the trapper, and a licensed fur processor may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a nonresident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed nonresident fur buyer. A licensed nonresident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Any person authorized by subsection (4) of this section to sell or buy raw furs may transport, between any points within this State, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a nonresident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this State or who has legally purchased the pelts of fur bearing animals may ship the pelts

thereof, at any time during the period such pelts may be in his legal possession in this state, to a nonresident fur processor who is licensed in the state of his residence to deal in raw furs, or to a nonresident taxidermist for the purpose of mounting.

(5) A person who has been issued a license under this chapter and who has the license on his person may transport anywhere as part of his personal baggage any wild animals, wild birds, or fish, legally taken by him under such license, not in excess of the number that the law permits him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird, or fish in another state and who has in his possession the license which authorized such taking, may transport the same to this State, as part of his personal baggage, at any time during the open season for the particular species in the state in which taken or within 10-days after the close of such season. Any person may ship game or fish so taken subject to the provisions of the laws of the state in which the same were taken and the laws and regulations of the United States.

(7) This section shall not in any way interfere with the transporting of any wild animals, wild birds or fish by the authorized officers of the Division of Game and Fish.

(8) Federal regulations shall govern the transportation of all migratory wild birds.

Section 7. Section 150.190 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The director with the approval of the Commission, may adopt the design of the licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed by the Director, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or give false information in the application.

(2) Except as provided in subsection (3) and (4) of this section, and in subsection (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county

clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Division, which record shall remain in his office and be open to the inspection of the public during all office hours. No county clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses, shall be issued by the Division directly, or through any person, resident or nonresident, designated by the Director as agent for the purpose. Any agent so designated shall be entitled to retain a fee of .25c out of the money received by him for each Ohio River Commercial fishing license; .15c for each seine tag and for each additional hoop net tag or snag line tag issued to the holder of an Ohio River Commercial fishing license; .15c for each Ohio River fishing license.

(4) Wholesale fish dealer's licenses, commercial guide's licenses, rabbit retail dealer's licenses, rabbit wholesaler dealer's licenses, fur buyer's licenses (both resident and nonresident), and fur processor's licenses shall be issued directly by the Division. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the Director, in accordance with the regulations prescribed by the Director with the approval of the Commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the Director, in accordance with regulations prescribed by the Director, with the approval of the Commission that he has sufficient equipment and facilities, including cold storage facilities, to engage in the business of processing, manufacture and storage of furs.

Section 8. Section 150.220 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by that section may be

issued either to a resident of this state or to a nonresident, but the licenses to be issued to nonresidents shall bear the word "nonresidents" in prominent letters, and the fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing license

Resident $1.00

Nonresident 5.00

(b) 3 day Fishing license

Nonresident only $1.00

(c) Commercial fishing license (including tag for one hoop net and one snag line)

Resident 5.00

Nonresident 25.00

(d) Ohio River fishing license (residents of Ohio, Indiana and Illinois only) 1.00

(e) Ohio River commercial fishing license (including tag for one hoop net and one snag line, and to be issued to residents of Ohio, Indiana and Illinois only) 5.00

(f) Wholesale fish dealer's license

Resident 10.00

Nonresident 25.00

(g) Seine tag for each 100-ft. of seine or part thereof

Resident $2.00

Nonresident (holder of Ohio River commercial fishing license 2.00

Other nonresidents 4.00

(h) Hoop net tag (for each additional net)

Resident 1.00

Nonresident holder of Ohio River Commercial fishing license 1.00

Other nonresidents 2.00

(i) Snag line tag (for each additional snag line)

Resident 1.00

Nonresident holder of Ohio River Commercial fishing license 1.00

Other nonresidents 2.00

(j) Live bait dealer's license (resident only) 5.00

(k) Musseling license
Resident 5.00
Nonresident 20.00
(l) State-wide hunting license
Resident 3.00
Nonresident 15.50
(m) County Hunting license (resident only) 1.00
(n) Trapping license
Resident 1.00
Nonresident 10.50
(o) Taxidermist's license (resident only) 3.00
(p) Commercial guide license (resident only) 5.00
(q) Rabbit wholesale dealer's license (resident only) 10.00
(r) Rabbit retail dealer's license (resident only) .. 5.00
(s) Fur buyer's license
Resident 2.00
Nonresident 75.00
(t) Fur processor's license (resident only) 50.00

(3) The Division of Game and Fish may issue a special license without fee to the Chief Executive of the United States or of any other state, and to any official of another state, or of the federal government or a federal agency, whose functions include matters related to the propagation, protection or preservation of game and fish. Such special license shall authorize the performance of any act authorized by a fishing license and a state-wide hunting license. No more than fifty of such licenses may be issued in any one year.

Section 9. Section 150.230 of KRS of 1944 is amended to read as follows:

(1) The county clerk shall retain as his fee, out of the money received by him for license and tags, the following fees:

(a) For each license or tag for which the fee is $1.00, a fee of .15c.

(b) For each license or tag for which the fee is from $2.00 to $5.00, a fee of .25c.

(c) All license fees above $50.00, a fee of .50c.

(2) These fees shall cover the swearing of the applicant

to his application, and all other services under this chapter. The county clerk shall pay the payments remaining after deducting his fee, to the State Treasurer, on the first day of each month, which amount shall be credited to the Game and Fish fund. The county clerk shall report to the Director on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

Section 10. A new section of the statutes is created to be numbered KRS 150.235 and to read as follows:

(1) No person shall do any act authorized by any kind of license provided for in this chapter unless at the time thereof he has the license provided therefor on his person, except that in the case of a wholesale fish dealer's license, a rabbit wholesale dealer's license, a rabbit retail dealer's license, and a fur processor's license, it shall be sufficient if the license is posted on the licensed premises.

(2) No license authorized by this chapter, except a wholesale fish dealer's license, a rabbit wholesale dealer's license, a rabbit retail dealer's license, and a fur processor's license, may be issued except to an individual, and no more than one such license may be issued to any individual in any calendar year. A wholesale fish dealer's license, a rabbit wholesale dealer's license, a rabbit retail dealer's license, and a fur processor's license, may be issued to an individual or to a partnership, firm or corporation, and as many such licenses may be issued to any individual, partnership, firm or corporation as may be required for the various premises upon which the licensed business is to be carried on. In the case of a rabbit wholesale dealer's license, a rabbit retail dealer's license, or a fur processor's license, no employee or agent of the person, firm, partnership, or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the Director. For the purpose of securing such agent's cards, the holder of the license shall file with the Division an application form, giving the name and a general description of each agent or employee who will engage in the transactions author-

ized by the license. There shall be no fee for the issuance of such agent's cards. The Director with approval of the Commission shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used, and may revoke any such cards whenever it appears to the Director that the holder thereof is not complying in all respects with the purpose and intent of this chapter.

(3) Wherever in this chapter reference is made to the "Holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may permit any other person to carry his license.

Section 11. A new section of the statutes is created, to be numbered KRS 150.275.

The Director may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes; these permits shall be valid at the discretion of the Director and shall show the period of their validity. The fee for such permits shall be $1.00.

Section 12. A new section of the statutes is created to be numbered KRS 150.305 and to read as follows:

(1) Except as otherwise provided in this section, no person shall have in his possession any wild bird, wild animal or fish protected by this chapter, or any raw fur, except during the open season for the particular species.

(2) Any person who has legally taken any rabbit, squirrel, quail or grouse may have the same in his possession in a frozen food locker, either in his home or in a commercial locker plant, for a period of 90-days after the close of the season for the particular species. The name of the taker, the date of taking, and the number and species of animal or bird must be marked on the package in which the same are stored. Legally imported game or fish may be held in such a frozen food locker for a period of time to conform with pure food law, providing however, the date of storage, with the number of the nonresident license be attached or stamped on each package or carcass.

(3) Any person who has legally taken any wild animal, wild bird or fish in another state and who has legally transported or shipped the same to this State in accordance with the provisions of subsection (6) of KRS 150.180, may have the same in his possession, other than in a frozen food locker as above provided, in this State for a period of not more than 10-days after the close of the open season in the state in which the same was taken.

(4) Federal regulations shall govern the possession of migratory wild birds.

(5) Any person who has legally taken a fur bearing animal, or the raw fur thereof, may have the same in his possession until February 15, following the close of the season.

(6) A licensed fur buyer (resident or nonresident) may buy or have in his possession raw furs until February 20, following the close of the season.

(7) A licensed fur processor may buy raw furs from a licensed fur buyer at any time during the period that a fur buyer is authorized by this section to sell raw furs, and the licensed fur processor is further authorized to hold raw furs in cold storage for the purpose of manufacture or processing, or to buy from or sell to another licensed fur processor, at any time in the year.

Section 13. Section 150.310 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take a wild bird except with bow and arrow or with a gun, which gun shall not be larger than a 10-gauge fired from the shoulder. No bird shall be taken with, or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(2) No person shall hunt birds with lights or other means used to blind birds at night.

Section 14. Subsection (1) of Section 150.330 of the

Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take any wild birds except during the open season for the particular species. The open season for quail or bobwhite shall be November 20 to January 10. The open season for ruffed grouse or native pheasant shall be December 1 to December 15. There shall be no open season on wild turkey. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

Section 15. Subsection (2) of Section 150.360 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(2) A gun used in the taking of wild animals shall be no longer than a 10-gauge and fired from the shoulder. No wild animals shall be taken with, or by means of, any automatic loading or hand-operated repeating shot-gun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

Section 16. A new section of the statutes is created to be numbered KRS 150.365 and to read as follows:

No person shall use fire or smoke to drive game out of a hole or a tree, or burn a field for the purpose of driving game.

Section 17. Section 150.370 of Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. The open season for rabbits shall be November 20 to January 10; the open season for mink, oppossum, raccoon, skunk, muskrat and red fox shall be December 1 to January 31; for squirrel, August 15 to November 30; and for pond, bull or jumbo frogs, June 1 to May 1. Opossum and raccoon may also be hunted and taken by dog only from November 1 to January 31. There shall be no open season for otter or beaver.

(2) Subsection (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this

exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper between January 31 and February 15, or by a fur buyer between January 31 and February 20.

Section 18. Section 150.380 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No person shall in any one day take more than six squirrels, eight rabbits, or fifteen pond, bull or jumbo frogs, nor shall any person have in his possession at any time more than such number, except as follows:

(1) A person who has hunted two or more days in succession may have in his possession a total of not more than twice the number above allowed.

(2) A person may have in his possession in a cold storage locker, as provided in KRS 150.305 a number not exceeding two days' bag limit after the first day of the hunting season.

(3) The holder of a rabbit retail dealer's license may have in his possession not more than 100 rabbits.

(4) The holder of a rabbit wholesale dealer's license may have in his possession not more than 500 rabbits.

Section 19. A new section of the statutes is created to be numbered KRS 150.411 and to read as follows:

Every licensed taxidermist shall keep a suitable record in which he shall enter the species of each animal mounted by him, and the name and address of the person for whom the mounting was done. Within 10-days after the end of each month, he shall send to the Division of Game and Fish a report showing the number and name of animals of each species mounted by him during such month, and the name and address of the person for which each animal was mounted. No animal or bird shall be mounted except during open season,

unless a permit is issued by the Director, which shall be issued without cost.

Section 20. A new section of the statutes is created, to be numbered KRS 150.412 and to read as follows:

No commercial guide may participate in the taking of game or fish protected by this chapter beyond the bag limit or creel limit of the person or persons he is guiding.

Section 21. A new section of the statutes is created to be numbered KRS 150.415 and to read as follows:

Every licensed fur buyer shall, upon purchasing any raw fur, issue a receipt to the trapper from whom he has purchased such furs, setting forth the number and kind of furs, the date of the purchase, the price paid for each fur, and the license number of the trapper's license. The buyer shall make out a duplicate receipt at the same time, and obtain the signature and address on such duplicate of the trapper from whom the furs were purchased. Not later than March 1 of each year, the buyer shall send the duplicate receipts to the Division. Failure to send the receipts in as herein directed shall bar the licensee from obtaining a license for the following year.

Section 22. A new section of the statutes is created to be numbered KRS 150.416 and to read as follows:

Every licensed fur processor shall, within 15 days after January 1 and July 1 of each year, file with the Division of Game and Fish an inventory of the furs in his possession as of such dates. Each licensed fur processor shall also issue receipts for the total amount of furs purchased from the fur buyers, with the license number of the fur buyer on the receipt. Duplicates of such receipts shall be sent to the Division with the inventory report.

Section 23. A new section of the statutes is created, to be numbered KRS 150.417 and to read as follows:

In any prosecution of a nonresident for buying a raw fur or furs without a fur buyer's license, proof that such person was in the company of a resident fur buyer at the time the latter purchased a raw fur shall constitute prima facie evidence that such nonresident was engaging in the business of buying raw furs without a license.

Section 24. Sections 150.420 and 150.430 of the Kentucky Revised Statutes of 1944 are repealed.

Section 25. Section 150.440 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as otherwise provided in this chapter, no person shall take fish from the public waters of this State except by angling.

(2) No person shall take fish from any of the public waters of this State during the period from May 1 to May 29 (both days included) each year, except with pole and line in impounded waters, and by angling or commercial fishing in navigable streams but not above the last lock and dam.

Section 26. Section 150.445 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take fish by the use of a trot line, hand line, set line, throw line, or snag line that is longer than the width of the stream in which it is used at the point where such line is used.

(2) No person shall place or use any trot line, hand line, set line, throw line or snag line within 350 yards of the Kentucky Dam on the Tennessee River at Gilbertsville, nor within 200 yards of any other lock and dam on a navigable stream.

Section 27. Section 150.450 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this State with a minnow seine not more than 10 feet in length and 4 feet in width or height, with mesh not larger than ¼ inch, or with a minnow trap not more than 3 feet in length and 18 inches in diameter, with an opening not larger than 1¼ inches. Any fish caught which are excluded from the definitions of minnows in KRS 150.010 shall be immediately returned, without injury, to the waters from which they are taken.

(2) Any person may take by the use of licensed seines, the mesh of which is not less than 2 inches square, or by the use of licensed hoop nets without wings, any fish from streams forming part of the boundary of this State and from the navigable streams of this State. But no person shall take any fish by seines or nets or place any seines or nets in any of

these streams within 200 yards of the mouth of any stream entering into those waters, nor within 200 yards of the mouth of any navigable stream within the State, nor within 350 yards of Kentucky Dam on the Tennessee River at Gilbertsville nor within 200 yards of any other lock or dam located on the stream, nor above the last lock or dam in any navigable stream. Any fish protected by this chapter caught in seines or nets shall immediately be returned without injury to the waters from which taken.

(3) No person shall operate or have in possession any seines or nets unless he has procured a commercial fishing license or an Ohio River Commercial Fishing License and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets at all times. This section does not require dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale.

Section 28. Subsection (2) of Section 150.470 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No person shall take or have in his possession any black bass (large mouth, small mouth, or Kentucky) under 10 inches in length, nor any crappie under 8 inches in length, nor any channel or fiddler cat under 10 inches in length whole, or 8 inches in length without the head, nor any jack salmon or wall-eyed pike, sand pike or sauger under 13 inches in length, or any muskellunge under 18 inches in length.

Section 29. Section 150.490 of the Kentucky Revised Statutes of 1944 is repealed.

Section 30. Section 150.510 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

On or before December 31 of the year in which any musseling license is issued, the holder shall make a written report to the Game and Fish Division, stating the total weight of mussels taken under the license, the names and location of the waters from which the mussels were taken and the amount received for shells sold. Upon the failure to make such re-

port, the Director shall not issue another license until such report is made.

Section 31. A new section of the statutes is created to be numbered KRS 150.590 and to read as follows:

No person shall have in possession in this State or bring into this State any gill nets, trammel nets, or illegal seines or any steel traps not authorized by the Director, except that a bonafide wholesaler or manufacturer may have any such devices in his possession for sale to non-residents outside this State.

Section 32. A new section of the statutes is created to be numbered KRS 150.991 and to read as follows:

Any county clerk who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190, shall be fined not less than $100.00.

Section 33. Section 150.340 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No person shall, in any one day, take more wild birds for which there is an open season, than the bag limit of the species as set out herein:

Quail	10
Ruffed Grouse or Native Pheasant	2
Doves	Federal Regulations apply
Ducks	Federal Regulations apply
Geese	Federal Regulations apply
Coots and Gallinule	Federal Regulations apply
Woodcock	Federal Regulations apply
Snipe	Federal Regulations apply

No person shall have in his possession at any time, any number of quail, ruffed grouse or native pheasant in excess of the bag limit above set forth for the particular species, except that a person who has hunted two or more days in succession may have in his possession a total of not more than twice the bag limit for such birds and a person may have in his possession, in a cold storage locker, as provided in KRS 150.305, a number not exceeding two day's bag limit after the first day of the hunting season; provided, however,

that no person shall take more than ten ruffed grouse or native pheasant during any open season for the same.

By Mr. Gilliam.

H. B. 313. An act to amend section 92.020 of the Kentucky Revised Statutes, relating to the fiscal year of cities other than the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.020 of the Kentucky Revised Statutes is amended to read as follows:

92.020. FISCAL YEAR OF CITIES OTHER THAN THE FIRST CLASS. The fiscal year of cities other than the First Class shall begin on the following dates:

(1) In Cities of the Second Class, January 1st; provided, however, the City Legislative Body may designate June 1st as the beginning date.

(2) In Cities of the Third Class, June 1st.

(3) In Cities of the Fourth, Fifth and Sixth Classes, January 1st.

Section 2. Whereas the classification of at least one of the cities of the Second Class has only recently been changed from that of a City of the Third Class and the conduct of its fiscal affairs and necessary governmental and administrative functions are now being retarded by existing charter provisions concerning its fiscal year, and the welfare of the public thus affected, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Clyde Howard.

H. B. 314. An act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.360, and subsection (7) of section 132.990, of the Kentucky Revised Statutes are repealed.

By Mr. Clyde Howard.

H. B. 315. An act relating to swine.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Swine shall not be imported into Kentucky unless they are accompanied by a health certificate issued by a graduate licensed veterinarian, showing them to have been immunized by either the serum-alone or the serum-simultaneous method. The original of such certificate shall be attached to the waybill covering the shipment, and a duplicate thereof shall be forwarded to the office of the State Veterinarian. If the serum-alone method is used, the certificate must show such treatment to have been administered within 10 days immediately preceding date of shipment, or that the serum-simultaneous treatment shall have been administered at least 30 days prior to date of shipment.

Sec. 2. Any person who violates section one of this Act shall be fined not less than two hundred dollars nor more than one thousand dollars for each offense.

By Messrs. Stone, Bonn, Coleman, and Gilligan.

H. B. 316. An act relating to Free Public Libraries in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 173.050, KentuckyRevised Statutes, is hereby amended and as amended reads as follows:

173.050 (2801b-3; 2801b-7) Powers of board of trustees. (1) The board of trustees may, in its corporate name:

(a) Contract and be contracted with, sue and be sued, and have and use a corporate seal, which it may alter at pleasure;

(b) Acquire, by itself or jointly with the city in which the library is located, by gift, purchase or otherwise, and hold, in the same manner, real and personal property to the use of the public library, for the purpose for which it is dedicated;

(c) Use, manage and improve, sell and convey, rent or lease property, and erect suitable buildings.

(2) The board of trustees may mortgage any real or personal property owned by the library to secure any sums borrowed for making repairs or improvements, or paying off any indebtedness it may owe. The mortgage shall not exceed $1,000,000.00.

Section 2. Section 173.070, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.070 (2801b-6) Tax for public library; disposition of revenue; report to legislative body. (1) To raise money for the establishment and maintenance of the library, the city legislative body shall annually levy a tax of not less than three and one-half cents or more than ten cents on each one hundred dollars' worth of property assessed for taxation for city purposes. When the assessment is completed the amount levied annually shall be credited to the library fund of the city, and the revenue, as collected, shall be paid over to the board of trustees by the director of finance in regular monthly installments.

(2) The board shall make a report to the city legislative body each July, showing the use of the library for the fiscal year ending the last day of June preceding the receipts and expenditures of all money handled by it during the year, and giving such other information as may promote the usefulness of the library to the public, or as is called for by the city legislative body. No portion of the property or fund held for library purposes under this section shall ever be applied to the support of any library not exclusively under the control of the board of trustees.

Section 3. Section 173.080, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.080 (2801b-9) Issuance of library bonds. The board

of trustees may, in its discretion, issue bonds in the sum of not over $1,000,000.00 for the purpose of making improvements or repairs, or paying off any indebtedness it may owe. The bonds may be secured by any or all real or personal property owned by the library. The bonds shall be designated as 'library bonds' and the board of trustees shall, by resolution, fix the date and maturity of the bonds, the rate of interest and form they shall bear, and where they shall be payable. The board shall determine when, at what price and how the bonds shall be sold. As the bonds are sold their proceeds shall be placed in some bank, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued, provided however the expense and cost of floating the bonds may be paid therefrom. The rent received in any year from any real property belonging to the board of trustees shall be first applied to the payment of interest on bonds for such year, and next to the sinking fund requirements of the bond issue for such year, and the balance may be used for current operating expenses of the board of trustees.

Section 4. (Fiscal Year). The fiscal year of the Free Public Libraries in cities of the first class shall begin on the first day of July of each year and end on June 30 next following.

Section 5. (Retirement Plan for Employes). The Board of Trustees of the Free Public Libraries in cities of the first class, created or existing under the laws of Kentucky, which have not less than two full-time employes, may provide for their retirement with annuities; may adopt the American Library Association Retirement Plan or make such other provisions for retirement of its employes as the Board deems proper, whether similar to the American Library Association Retirement Plan or otherwise.

Section 6. (Severability). Should any section, subsection, paragraph, sentence, clause, or phrase, of this Act be declared unconstitutional or invalid for any reason, by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate, the remainder of this Act.

Section 7. (Emergency Clause). It appearing that the Free Public Libraries heretofore established in cities of the first class have bonded indebtedness, the interest upon which is due March 1st and September 1st of each year, at which time upon thirty days prior notice, such libraries may call their outstanding bonds; and

Whereas the Board of Trustees of the Free Public Libraries in cities of the first class desire to start work upon improving their real property at the earliest possible moment; and

Whereas it is necessary that this Act be put into effect as speedily as possible to effect such end, an emergency is declared to exist and this Act takes effect upon its passage, and approval by the Governor.

By Mr. Stone, Bonn, and Gilligan.

H. B. 317. An act relating to bridges of cities of the first class amending section 181.500, and repealing section 181.480, of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 181.500, Kentucky Revised Statutes, is hereby amended and as amended reads:

When the principal and interest on the bonds have been paid or their payment fully provided for, the commission shall stand dissolved. Thereupon: (1) the cash reserve on hand, if any, after all outstanding obligations for the maintenance, repair and operation of the bridge has been paid, shall be paid or turned over to the city to be used in such manner as shall be determined by the Mayor of said city; (2) all right, title and interest in and to said bridge, including lands and appurtenances shall vest in the Commonwealth of Kentucky for the use and benefit of the Department of Highways and the City shall execute such conveyances as may be necessary; (3) the Department of Highways shall assume the operation, maintenance and repair of the bridge, as part of the State

Highway System, but it shall be the duty of the city to sweep, sprinkle, light and police the traveled portion of said bridge, provided the ordinary duties of the State Highway Patrol may be exercised there over; and (4) said bridge shall thereafter be operated free of tolls.

Section 2. Section 181.480, Kentucky Revised Statutes, is hereby repealed.

By Messrs. Stone, Bonn, Coleman, and Gilligan.

H. B. 318. An act authorizing any county in which there is located a city of the first class and said city to make and carry out contracts and agreements for the joint acquisition, ownership, and use of a city-county governmental building.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions:

"CITY" includes city or cities.

"CITY-COUNTY BUILDING" includes building or buildings, main or auxiliary or supplementary building or buildings, and includes new or adaptation of existing building or buildings, and also includes such land, and all types of interests in land, such equipment, furnishings and facilities and such other real or personal property as is necessary, convenient or desirable for the use and enjoyment of said building or buildings.

"GOVERNMENTAL PURPOSE" includes the governmental and administrative activities of the city and county proper or either or both and city or county commissions, boards, agencies and instrumentalities and joint city-county commissions, boards, agencies or instrumentalities.

Section 2. In any county of the Commonwealth of Kentucky in which there is located a city of the first class, the said county and said city of the first class are authorized to erect, purchase, lease, condemn or otherwise acquire, keep in repair and improve, own and use a joint city-county building.

Section 3. Said city-county building may be used for

any governmental purpose in which either or both the said county and city are engaged.

Section 4. The city through its Legislative body and the county by its Fiscal Court are authorized to make and enter into contracts and agreements to provide for the joint acquisition, ownership and use of such city-county building including but not limited to contracts and agreements providing for the means and method of acquisition of said building, the method of allocation and payment of original cost, cost of repair, upkeep and improvement, cost of maintenance and operation, providing for furnishing employees and personnel necessary or appropriate for the establishment, maintenance, operation and use of said building, and for the control, direction and supervision of said employees and personnel, and such other contract provision not otherwise forbidden by law as may reasonably be in furtherance of the joint ownership and use of said building.

Section 5. Any and all means and methods of securing funds for the acquisition, maintenance, and use of real or personal property of the type included in the term "city-county building" as herein defined, which are now or may hereafter be permitted to be used by the said county or city may be used in securing funds for the acquisition, maintenance and use of said city-county building. Both the city and county and the several commissions, boards, agencies and instrumentalities referred to in the definition of "governmental purpose" in Section 1 are authorized to apply for and accept and use grants-in-aid of such city-county building from the government of the United States or the Commonwealth of Kentucky or any instrumentalities or agencies of either or both; and also to accept private gifts under such terms and conditions as said city and county deem advisable.

Section 6. The authority herein granted is optional and no provision hereof shall be construed to limit the right of such county or city to own, acquire and use separate buildings for governmental purposes unless otherwise directed by law.

Section 7. This act shall be given a liberal construction in order to further the legislative purpose to grant a broad

and flexible authority to said county and said city to secure by their joint action the advantages in efficiency and economy of a city-county building.

By Messrs. Stone, Bonn, Coleman, and Gilligan.

H. B. 319. An act relating to city and county boards of health in counties containing a city of the first class amending chapter 41 of the 1942 acts of the General Assembly, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Act approved February 11, 1942, being Chapter 41 of the 1942 Acts of the General Assembly (carried in the Kentucky Revised Statutes as Section 212.350 to and including Section 212.990) is hereby amended by adding thereto a new section which reads as follows:

The Board may provide for the retirement with annuities of its officers and employees, based upon some workable and generally accepted and credited plan that is actuarially sound, subject to the approval of the legislative body of cities of the first class and of the Fiscal Court of the county containing such cities.

By Messrs. Stone, Bonn, Coleman, and Gilligan.

H. B. 320. An act creating an independent school district in any county where a city and county children's home has been established and is being maintained under KRS Chapter 201.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city and county children's home established and maintained in accordance with the provisions of KRS Chapter 201 and the grounds owned or leased and lawfully main-

tained by the board in connection with said home, shall constitute an independent school district. Any school or schools consisting of the elementary and high school grades maintained in connection with said home shall be recognized as public schools, and they and the teachers and pupils therein shall have all the rights and privileges granted by law relating to public schools, teachers and pupils in independent school districts. The school district shall be designated and known as the Independent School District of the ..... and ..... County
(Name of city) (Name of County

Children's Home. The schools maintained in such district and the administration thereof shall be subject to the law governing independent school districts of the state, and the rules and regulations of the State Board of Education relating thereto with the following exceptions:

(a) The Board created and appointed under KRS 201.020 shall serve as the Board of Education for such independent school district.

(b) The Superintendent of the Home appointed and acting under KRS 201.030 shall serve as the Superintendent of Schools for such independent school district.

(c) The schools of such district shall be financed from a portion of the funds derived from taxes levied in accordance with KRS 201.170 and from all such other funds as may be received for school purposes from state, federal or other sources.

(d) For the purpose of reporting the school census to the Superintendent of Public Instruction, as prescribed by KRS 159.260, all children who have been duly committed or received and who on June 1st of any year are being maintained at said Home, shall be considered as residing in said independent school district on said date.

Whereas, owing to the increased costs of maintenance and education of children, particularly those who are dependent or delinquent, and, whereas, under the law the school census for the purpose of determining the amount of school funds that shall be paid in any school district must be made as of June 1st of each year, an emergency is declared to exist

and this Act shall become effective immediately upon passage and approval by the Governor.

By Messrs. J. Lee Moore, and Coleman.

H. B. 321. An act amending and reenacting subsection 2 of KRS 281.480 pertaining to motor carriers and providing for a tax or registration fee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section 2 of KRS 281.480 is amended to read as follows:

(2) The weight tax imposed by this section does not apply to motor vehicles operated by a common carrier or contract carrier for hire under a certificate issued it by the Division of Motor Transportation where such motor vehicle does not enter the State of Kentucky a distance of more than fifteen miles from its point of entry into this state, but such motor vehicles shall be registered annually with the Division of Motor Transportation and an annual tax or registration fee of ten dollars paid therefor. The Division of Motor Transportation shall thereupon issue an evidence of such registration which shall at all times be prominently displayed on such vehicle while in this state.

By Mr. Steinford.

H. B. 322. An act repealing, amending and reenacting section 94.730 of the Kentucky Revised Statutes being chapter 61, acts of 1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

THAT Section 94.730 of the Kentucky Revised Statutes (being Chapter 61, Acts of 1942) is hereby repealed, amended and re-enacted, so that as amended and re-enacted, the said Section shall read as follows:

Whenever in the opinion of the Board of Commissioners or other legislative body of any city of the second class, land or other property, or right of way or easement over or through any property, is needed by the city to construct or erect, or to permit others, including the United States of America or any governmental department, branch or agency thereof, to construct or erect a wall or other barrier, for the purpose of protecting the city and its property and the property and land of its inhabitants from floods or high water, either within or beyond the boundaries of the city and in the county in which the city is located, the city's Board of Commissioners or other legislative body may, by resolution reciting the need, order the condemnation of the land or other property, or right of way or easement, needed for such purpose or project, and may proceed to condemn and acquire title to any such land or other property, or right of way or easement, as provided by and pursuant to the provisions of Sections 94.680 to 94.720, inclusive, of the Kentucky Revised Statutes, and as further provided by and pursuant to the provisions hereinafter set out:

(1) The judge of the circuit court shall, upon the filing of a petition by the city, seeking condemnation of any of such land or other property or right of way or easement for such purpose or project, grant and award immediate possession and full and complete use and control of said land or other property, or right of way or easement to the city by an interlocutory judgment which shall be rendered immedately after the filing of the report by the commissioners duly appointed pursuant to the provisions of Section 94.690, Kentucky Revised Statutes, and the city shall thereupon be entitled to take possession thereof and to use and control the same for the purpose for which it is being condemned as fully as if the title had been conveyed to it; however, prior to the rendering of the interlocutory judgment, the city shall be required to pay into court the sum awarded by the commissioners in their report for such land or other property, or right of way or easement. The court shall, after having rendered said interlocutory judgment, upon motion by the city, make such orders as may be necessary and proper for

the conveyance of such land or other property or property rights to the city, vesting in the city the title to the land or other property, or easement or right of way as described in such condemnation proceeding, and shall cause its commissioner or a special commissioner appointed by the court to execute and deliver to the city a deed of conveyance therefor, which deed shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court.

(2) The commissioners appointed pursuant to Section 94.690, Kentucky Revised Statutes, may report at any time after summons has been duly issued or warning order attorney appointed. Thereafter, either party may, before answer day, file written exceptions to said report, as provided in Section 94.700, Kentucky Revised Statutes, except that the city's exceptions, if any, shall be made and filed prior to the entry of said interlocutory judgment. The sum not in controversy shall be paid or tendered to the parties defendant by the court prior to the entry of said interlocutory judgment.

(3) It is further provided that before rendering the interlocutory judgment, the court shall require the city to execute a bond, with surety to be approved by the court, conditioned upon the city paying to the parties defendant the difference between the sum paid into court and that which may thereafter be finally determined to be the value of the property or property rights and incidental damages, if any, if the parties defendant except to the report of the commissioners, unless the city shall have sufficient funds duly appropriated, properly allocated to that purpose, and on deposit to pay any money judgments, including all costs adjudged against the city, that may thereafter be rendered against it, and such fact or facts shall be alleged in its petition for condemnation.

(4) The city shall not be permitted to abandon the condemnation proceeding after having obtained possession and title to said land or other property or property rights unless none of the parties defendant will be materially prejudiced thereby.

(5) The proceedings for condemnation under the provi-

sions of this section, shall be conducted in the name of the city by the city solicitor or in the name of the city by special counsel employed and designated by it to conduct such condemnation proceedings for such purpose, which power to employ and designate special counsel for such purpose is granted the city, notwithstanding the provision of Sub-section 2 of Section 94.680, Kentucky Revised Statutes, requiring condemnation proceedings to be conducted in the name of the city by the city solicitor.

An emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Clyde Howard.

H. B. 323. An act providing for a State Highway Commission, and setting forth the Commission's powers and duties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There shall be a State Highway Commission, composed of nine members appointed by the Governor for two-year terms, beginning July 1, 1946. One member shall be appointed from each congressional district, and not more than five members shall be members of the same political party.

Sec. 2. The State Highway Commission shall, upon the appointment of its members, elect one of its members Commissioner of Highways. The member selected as Commissioner of Highways shall be paid an annual salary of five thousand dollars, plus his actual and necessary traveling expense.

Sec. 3. The members of the State Highway Commission, other than the member selected by the commission as Commissioner of Highways, shall serve in an advisory capacity to the Commissioner of Highways. The Commissioner of Highways shall serve as chairman of the State Highway Commission.

Sec. 4. Each of the eight advisory commissioners of the State Highway Commission shall be paid an annual salary of three thousand, six hundred dollars, plus his actual and necessary traveling expenses, including necessary traveling expenses incurred in going over his district and attending meetings of the commission. The State Highway Commission shall hold at least quarterly meetings at the seat of government and shall hold such other meetings at the seat of government or at a place designated by the Commissioner of Highways as may be called by the Commissioner of Highways.

Sec. 5. The advisory commissioners shall contact the fiscal courts and have hearings in the various counties of their districts, ascertain the condition and needs of the state highways in their respective districts and acquaint the Commissioner of Highways from time to time as to such conditions and needs. They shall advise the Commissioner of Highways relative to the personnel needs and the personnel efficiency of the state highway forces in their respective districts and, when counties indicate their desire for the department to aid in the maintainenance of county roads, advise the commissioner as to the most practical plans for the maintenance of county highways in the several counties of their respective districts. The advisory commissioners, individually and when acting as a group, shall have no administrative authority or responsibility in the operation of the department.

By Mr. Wagner.

H. B. 324. An act authorizing the establishment of Civil Service for non-instructional employees of boards of education in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. *Definitions.*

1. The term "non-instructional employees" includes all accountants, secretaries, clerical employees, janitors, engi-

neers, custodians, nurses, and other employees not engaged in teaching and/or research professions.

2. The term "classified service" signifies the competitive classified civil service of the Independent School Districts under this Act.

3. The term "Commission" signifies a Civil Service Commission created by this Act.

4. "Civil Service Commissioner" shall be a member of the Commission defined in the preceding paragraph.

5. The term "appointing authority" signifies the Board of Education in a city of the Second Class.

6. The term "employee" signifies any person holding a position subject to appointment, removal, promotion by the appointing authority.

7. A "full-time employee" shall be defined as an individual who is employed a minimum of ten months in a calendar year.

Section II. *Manner of Establishing a Civil Service System.*

That the Board of Education of Independent School Districts embracing a city of the Second Class in the Commonwealth of Kentucky is hereby authorized and empowered to establish a system of Civil Service applicable to and controlling the classification, employment and discharge of non-instructional employees all in the manner herein provided. When a majority of the regular and/or full-time non-instructional employees of the Board of Education in any Independent School District embracing a city of the Second Class shall file with such Board a petition requesting the establishment of a Civil Service System for such employees said Board shall at its next regular meeting by resolution spread upon its minutes, recite the filing of such petition and declare the Board's purpose thereby to establish and thereafter administer and operate such System of Civil Service by the Commission hereby created under the powers herein conferred and in the manner authorized and pursuant to provisions of this Act. Thereupon the Board of Education shall appoint and constitute the Civil Service Commission in the manner and con-

sisting of the persons in the next succeeding section of this Act provided.

Section III. *Provision for the Administration of the Civil Service System.*

Upon the adoption by the Board of Education of any Independent School District embracing a city of the Second Class of the resolution in the preceding section provided, and the appointment of the Civil Service Commission therein provided for, there shall thereby be created in such school district a Civil Service Commission consisting of the Chairman of the Board of Education, the Superintendent of Schools, the Attorney for the Board of Education, and two other elected and qualified members of the Board to be named by the Chairman. All of said appointments shall be for a period of two years. Any vacancies occurring in the membership of said Commission shall be immedately filled for the unexpired term by the Chairman of the Board of Education. Said members of Commission, except the Attorney, shall serve without compensation. The Board of Education shall compensate the Attorney with a sum of not less than three hundred ($300) dollars per annum nor more than six hundred ($600) dollars per annum. The Chairman of the Board of Education shall be Chairman of the Commission and the Superintendent of Schools shall be Secretary and Chief Examiner.

The Commission shall meet regularly each calendar month at such hour and at a place convenient and suitable to be designated and provided and equipped by the Board of Education. Special meetings may be called by the Chairman or by any three members by delivering reasonable written notice to each member. A quorum of said Commission shall consist of not less than three members for the transaction of such business as may come before it.

Section IV. *Secretary, Chief Examiner and Assistants: Selection of Employees from Lists; Annual Budget to Cover Salaries and Expenses.*

Each Board of Education Civil Service Commission may employ such examiners and clerical and other assistants as the Secretary-Chief Examiner may in the judgment of the Board of Education require, and shall determine by order of

record, the terms of office, duties, services to be performed and the compensation of all persons so employed.

All accountants, secretaries, nurses and other clerical employees of the Board of Education shall be selected and appointed by the Board of Education from lists furnished said Board by the Civil Service Commission.

All custodians, janitors, engineers, and other non-instructional employees of the Board of Education shall be selected and appointed by the Board of Education from lists previously submitted to the Board for that purpose by the Commission. These lists shall include only those names appearing upon the eligibility lists as provided for in this Act.

The Board of Education of said City upon recommendation of the Civil Service Commission, shall make an annual appropriation sufficient to cover all salaries and necessary expenses of said Commission and its employees.

Section V. *What Rules shall Provide, Tests, Eligibility Lists, Period of Probation, Reinstatement, Promotion.*—Such rules and regulations shall, among other things, provide:

(1) For standardization and qualifications for all positions. All salaries shall be uniform for like grade and years of service. Grades of service shall be standardized and classified by the Board of Education.

(2) For keeping minutes of its own proceedings and records of its examinations and other official actions. The Commission shall prepare, continue and keep in its office, a complete roster of all persons in the classified service.

(3) For open and competitive tests, ascertaining the relative fitness of all applicants for appointment to classified positions. All tests shall be practical and related only to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. Notice of such tests shall be given not less than ten days in advance by public advertisement in at least one newspaper of general circulation in the city and by posting a notice on the door of the Board of Education Office.

(4) That the Commission shall require persons applying for admission to any examination, provided for by this Act or by the rules of the Commission prescribed thereunder,

file with the Commission within a reasonable time prior to the proposed examination a formal application in which the applicant shall state under oath or affirmation:

(a) Full name, residence and post office address.

(b) Nationality, age, and place and date of birth.

(c) Health and physical capacity for the public service sought.

(d) Business and employments and residences for five previous years.

(e) Such other information as may be reasonably required touching the applicant's merit and fitness for the public service sought; but no inquiry shall be made as to any religious or political opinions or affiliations of the Applicant.

(5) That no fee or other assessment shall be charged for examination for positions. Blank forms for applications shall be furnished by the Commission without charge to any persons requesting the same. The Commission may require references as the good of the service may demand. The Commission may refuse to examine an applicant, or after an examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or who is physically so disabled as to be rendered unfit for the performance of the duties of the position which he seeks, or who is addicted to the habitual use of intoxicating liquors or drugs to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from any branch of the civil service for delinquency or misconduct, or who has made false statements of any material fact, or practiced or attempted to practice, any deception or fraud in his application or in his examination, in establishing his eligibility or securing his appointment.

(6) That from the returns of the examinations the Commission shall prepare an eligible list of the persons whose general average standing upon examinations for such grade or class is not less than the minimum fixed by the rules of the Commission and who are otherwise eligible; and such persons shall take rank upon the eligible list as candidates in the order of their relative excellence as determined by the examination without reference to priority of time of examination. In

the event of two or more applicants receiving the same mark in an examination, priority in the time of the application shall determine the order in which their names shall be placed on the eligible list. The term of eligibility of each list shall be fixed by the Commission at not less than one year nor more than two years. When an eligible list is reduced to three names or less a new list shall be prepared.

(7) That any soldier, sailor, marine, member of the army nurse corps who has served in the army, navy or hospital service of the United States in the war with the central powers of Europe between the dates of April 6, 1917 and November 11, 1918, or in World War II, who has been honorably discharged therefrom and is a resident of Kentucky, upon filing with the Commission a certificate of service and honorable discharge, shall receive an additional grade of twenty per cent to the grade he otherwise rates.

(8) For the creation of the above eligibility lists, upon which shall be entered the names of successful candidates in the order of their standing in examinations for the filling of positions by the Board of Education from the three candidates graded highest on such eligibility list, which list shall remain in force not longer than two years. In the absence of an appropriate eligibility list, any place may be filled temporarily by the Board of Education without examination for a period not to exceed six months, during which time the Civil Service Commission shall hold the necessary examinations for the filling of the place permanently.

(9) That no person shall be appointed or employed under any title not appropriate to the duties to be discharged, and no person shall be transferred or assigned to perform any duties of any position subject to competitive tests equivalent to that required for the position to be filled.

(10) That any person appointed from the eligibility list and laid off for lack of work shall be placed at the head of the eligibility list for reappointment for a period of eligibility as provided by the rules of the Board.

(11) For a period of probation not exceeding one year before an appointment is made permanent.

(12) For reinstatement on the eligibility list of persons

who, without fault or delinquencies, are separated from the service.

(13) For promotion from lower grades to the higher, based upon records of efficiency and seniority to be furnished by the Superintendent of Schools.

Section VI. *Emergency Appointments; Promotions; Classified Service for Employees.*

(1) Emergency Appointments. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify to the appointing authority, upon request of the latter, a list of persons eligible for appointment after a competitive examination, the appointing authority may make a provisional appointment to fill a vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible lists prepared by the Commission and such eligible lists shall be prepared within ninety days thereafter.

(2) Promotions: Vacancies in positions in the classified service shall be filled in so far as practicable by promotions. All examinations for promotions shall be competitive. In promotional examinations efficiency and seniority in service shall form a part of the maximum mark attainable in such examination.

(3) Classified Service for Employees: Within six months after the Civil Service Commission has promulgated rules herein provided for, all employees then in the service of the Board of Education are to be classified by the Commission upon the basis of a recommendation from the chief examiner and if the service of any such employee has been satisfactory to the Board of Education over a period of one year his appointment shall become permanent.

Section VII. *Tenure of Classified Service Employees of the Board of Education.*

Under this Act tenure of employees of the Board of Education shall remain in force during good behavior and efficient and competent service, and shall not be terminated ex-

cept for any of the following cases: Insubordination, immoral character, conduct unbecoming the employee, inefficiency, incompetency, physical or mental disability, neglect of duty, dishonesty, drunkenness, violation of the provisions of this Act or the rules of the Commission.

No employees shall be dismissed or suspended unless furnished with a written statement, specifying in detail the charge or charges against said employee, signed by the Chairman of the Board of Education and naming a date and place at which the employee may appear before the Board of Education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the employee. The employee shall within ten days after the receipt of the written statement of such charges notify the Board of Education of his intention to appear and answer such charges, and upon failure of the employee to give such notice the Board of Education may dismiss the employee by a majority vote and such dismissal shall be final.

Upon receipt of the employee's notice of intention to appear and answer such charges, the Board of Education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the employee.

Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before the Chairman of the Board of Education. The Board of Education shall provide for a stenographic report of the proceedings and furnish the employee with a copy. Upon completion of both sides of the case, the Board of Education may by a majority vote dismiss the employee or may defer its action for not more than five days.

The Board of Education may on recommendation of the Superintendent suspend an employee pending similar action to terminate his employment if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the Board is against termination of employment,

the suspended employee shall be paid for his full salary for the period of such suspension.

The employee shall have the right to make an appeal both as to law and as to fact to the Circuit Court. If said appeal is not made within thirty days after the final action of the Board, then the decision of the Board of Education shall be final. Either the employee or the Board may appeal from the action of the Court to the Court of Appeals.

Section VIII. *Solicitations, Political Activity Forbidden.*

No person in the service described under this Act shall directly or indirectly give, solicit, or receive or be in any manner concerned in giving, soliciting, or receiving any assessment, subscription, or contribution for any political party or for any purposes whatever. No person connected with said service shall orally or by letter solicit or in any manner be concerned in the soliciting of any assessment, subscription or contribution for any political party or for any purpose from any person holding a position under this Act.

No person in any branch of this service shall act as an officer of any political organization or be a member thereof or take any active part in any political campaign or serve as a member of any committee of any political organization or circulate or seek signatures to any petition provided for any primary or general election or act as a worker in the polls in favor of or opposed to any candidate for election or nomination to any public office whether Federal, State, County, or Municipal.

Section IX. *Political or Religious Opinions Not to Affect Appointments.*

No question in any examination held under the provisions of this Act which relate to any political or religious opinions, affiliations, or service, and no appointment, transfer, promotion, increase or reduction in compensation, suspension, or removal shall be affected or influenced by such opinions or affiliations.

Section X. *Violation of Act. Penalty.*

Any person charged with the administration of this Act

who shall violate any of the provisions thereof, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty ($50.00) dollars nor more than one thousand ($1,000) dollars.

Section XI. *Manual of Instructions.*

The Civil Service Commission created herein shall provide a Manual of Instructions consistent with the provisions of this Act for the use of persons who wish to acquire a knowledge of the rules and regulations of said Commission and the duties of the members of the employees group under this Act.

Section XII. *Accepting Money in Addition to Compensation Forbidden.*

No member of any Civil Service Commission, Officer, or Employee shall receive or accept any money or compensation not provided by law for any services or neglect of duty in addition to this salary or compensation provided for herein.

Section XIII. *Salaries of Employees; Notice of: Increase or Reduction.*

Each Board of Education shall cause notice to be given anually not later than July 1, to each employee under this Act for the succeeding school year stating the best estimate as to the salary to be paid each employee during such year. Such salary shall not be lower than the salary paid during the preceding year unless such reduction be a part of a uniform plan affecting the entire district. But nothing herein shall prevent increases of salary after the Board's annual notice has been given.

Section XIV. *Leaves of Absence.*

Upon written request of an employee a Board of Education may grant a leave of absence for a period of not more than two consecutive years where illness, maternity, or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the Board. Upon the return to service of an employee at the expiration of a leave of absence, he shall resume the status which he held prior to such leave.

Section XV. *Transfers and Reinstatements.*

With the consent of the Commission the Board of Educa-

tion may transfer a person holding an office or position in the classified service to a comparable position in another office, department or institution having the same pay and similar duties; but no transfer shall be made from office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by this Act or the rules adopted pursuant thereto, an examination involving essential tests or qualifications or carrying a salary different from or higher than those for original entrants to an office or position held by such person.

Section XVI. *Frauds in examination Prohibited.*

No person or officer shall wilfully or corruptly by himself or in co-operation with one or more persons defeat, deceive or obstruct any persons in respect to his or her right of examination, appointment or employment according to this Act, or to any rules or regulations prescribed pursuant thereto; or wilfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this act, or aid in so doing; or wilfully or corruptly make any false representations concerning the same, or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified; or personate any other person or permit or aid in any manner any person to personate him, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed; or who shall furnish any false information about himself, or any other person, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.

Section XVII. *Payment for Places Prohibited.* No applicant for appointment or promotion in the classified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the considera-

tion of any political service to be rendered, for or on account of his appointment or promotion or proposed appointment or promotion.

Section XVIII. *Who Shall Prosecute.* Prosecutions for the violation of the provisions of this Act or the rules and regulations of the Commission established in conformity thereto shall be instituted by the Commonwealth Attorney for the county in which the offense is alleged to have been committed; and prosecutions for violations of this Act and the rules and regulations of any Commission, by any employee of such Board shall be instituted by such Commission through the legal department of the Board of Education.

Section XIX. *Repeal of Inconsistent Laws.*

All laws or parts of laws in conflict with this Act, are, to the extent of such conflict, hereby repealed.

By Mr. Weintraub.

H. B. 325. An act relating to stenographer to the Commonwealth's Attorney.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.105 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the second class, the Commonwealth's Attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Commonwealth's attorney and perform such other duties assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than six hundred dollars, nor more than twelve hundred dollars, to be paid by the fiscal court out of the county levy in equal monthly installments, except that in a county which constitutes a separate judicial district an annual salary of $1,800 to $2,400 shall be paid. In judicial

districts which contain one or more other counties in addition to the county containing a city of the second class, each county shall pay a proportionate part of the salary of the stenographer, in proportion to the amount of work attributable to each county, the proportion being certified by the Commonwealth's attorney; and provided same is approved by the fiscal courts of such counties.

By Mr. Myers.

H. B. 326. An act relating to the department of highways and the state highway commission of the Commonwealth of Kentucky and repealing, amending, and re-enacting section 176.020 and section 176.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 176.020 of the Kentucky Revised Statutes be and the same is hereby repealed, amended, and re-enacted so that when repealed, amended and re-enacted it shall read as follows:

(1) The Department of Highways shall be headed by the Chairman of the State Highway Commission, who, with the approval of the majority of the State Highway Commission shall have sole charge of the administration of the Department. The State Highway Commission shall appoint a State Highway Engineer, a Civil Engineer who has had at least six (6) years executive engineering experience in the design, supervision and construction of highways. The State Highway Engineer shall be paid an annual salary of five thousand ($5,000.00) dollars. The State Highway Engineer shall be the technical advisor to the State Highway Commission and under the direction of the Commission, he shall supervise all construction and maintenance work of the Department and perform such other duties as are assigned to him by the State Highway Commission.

(2) The State Highway Department shall be divided into a Division of Construction, a Division of Records, a

Division of Equipment, a Division of Maintenance, a Division of Rural Highways, and a Division of Highway Patrol. Each Division shall perform the duties assigned it by the State Highway Commission and shall be headed by a Director who shall act under the direction and supervision of the State Highway Commission.

(3) All members of the State Highway Commission, all officers, assistants, and employees of the Department shall be paid their necessary traveling expenses while engaged in the discharge of official and departmental duties.

That section 176.030 of the Kentucky Revised Statutes be and the same is hereby repealed, and amended and re-enacted, so that when repealed, amended and re-enacted it shall read as follows:

(1) There shall be a State Highway Commission, which shall serve with complete authority and jurisdiction over the administration of the State Highway Department, its Division of Construction, its Division of Records, its Division of Equipment, its Division of Maintenance, its Division of Rural Highways, and its Division of Highway Patrol, and said State Highway Commission shall perform all the duties and powers set forth in Chapter 176 of the Kentucky Revised Statutes, relating to the Department of Highways, and vested now by Section 176.020 in the Commissioner of Highways.

(2) The State Highway Commission shall consist of nine persons elected by the people in accordance with the primary and general election laws, one from each of the nine Congressional districts of the Commonwealth of Kentucky. Each Commissioner shall possess the following qualifications:

(a) He shall be over thirty years of age;

(b) He shall have an high school education;

(c) He shall have had at least a four-year college education, or be a member of a recognized profession, or have successfully engaged in business in the Commonwealth of Kentucky for not less than ten years;

(d) He shall have been a resident of the Commonwealth of Kentucky for ten years and of his district for five years;

(e) He shall have no interest, directly or indirectly in any contract made by the Commission, nor shall he own or have, directly or indirectly, any interest in a corporation, firm, company, association of partnership engaged in the business of mining, manufacturing, repairing or selling any road construction material or machinery or engaged in the business of building, constructing or maintaining public roads, bridges or highways, or in furnishing, soliciting, or executing bonds for contractors dealing with the Commission or its agents or officers.

(3) Each Commissioner, when so elected and qualified, shall perform full-time duties, and the entire Commission shall hold at least bi-monthly meetings at the seat of the government, and shall hold such other meetings at the seat of government, at a place designated by the Chairman of the State Highway Commission, as may be called by the Chairman of the State Highway Commission.

(4) Upon the election and qualification of the nine members of the State Highway Commission, they shall convene at the seat of government on the first Tuesday in January, at which time they shall elect one of their members chairman of the State Highway Commission.

(5) Each of said members of the Commission shall be elected for a term of four years, and in case of any vacancy or vacancies by resignation, death, or otherwise, the Governor shall fill the same by appointment until the next general election or until his successor is elected and qualified. Before assuming the duties of his office, each member shall take the constitutional oath of office, and record thereof shall be entered on the minutes of the Commission. The said Commission shall have its office with the State Highway Department. The Commission shall provide a book in which shall be recorded all of its proceedings at each meeting, which record shall be signed by the Chairman and attested by the secretary of the Commission, hereinafter provided for. The Commission shall make a report to the Governor at least once each fiscal year and more frequently if required by him, giving in detail all information which will fully advise him and the General Assembly of the work done by the Department.

(6) The Commission shall elect and appoint a resident of the Commonwealth of Kentucky, who possesses the same qualifications as required under this act to be a member of the Commission as secretary of the Commission.

(7) The salaries of the Commissioners shall be four thousand five hundred dollars per year, except the one who is elected Chairman shall be paid a salary of five thousand dollars per year. The Chairman shall devote his full time to the duties of his office as Chairman of the Commission, and shall maintain his office at the headquarters of the State Highway Department. Each of the other members of the Commission shall be provided an office by the State Highway Department and shall devote their entire time thereto, unless required by the duties of their respective districts to be in said districts.

(8) All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Myers.

H. B. 327. An act to repeal, amend and re-enact Section 57.340, Kentucky Revised Statutes, 1944 (Second Edition) relating to statutes and codes furnished to circuit judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 57.340, Kentucky Revised Statutes, 1944 (Second Edition), be repealed, amended and reenacted so that when reenacted said section shall read as follows:

On a certificate from any circuit judge that he does not have a copy of the latest edition or revision of the statutes of Kentucky, or does not have the Kentucky Codes of Practice, or that his copy of the statutes or codes has been lost, mutilated or torn, the State Librarian shall furnish to the circuit clerk for the use of the circuit judge any edition of the Revised Statutes or the Codes of Practice needed or requested by the circuit judge, whether published by the State or privately published, or a new copy of the book reported to

be lost, multilated or torn, and shall furnish from time to time any supplement issued to the statutes or codes so needed or requested. The Librarian shall certfy the cost of any such book to the Department of Finance, which shall issue its warrant on the State Treasurer for the amount, payable out of funds appropriated for that purpose.

By Mr. Myers.

H. B. 328. An act relating to the abandonment of a child under sixteen, and amending Section 435.240 of the Kentucky Revised Statutes by adding a subsection thereto relating to the desertion of such child after judgment of divorces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 435.240 of the Kentucky Revised Statutes be amended by adding thereto an additional section to be known as Subsection 3, which shall provide as follows:

If a divorce has been granted by a court of competent jurisdiction, and the parent of any child under the age of sixteen years shall desert or abandon such child, without complying with the orders of the court as set forth in the judgment granting said divorce relative to the custody or support of said child, or if such parent having custody of such child under the orders of said court shall abandon and desert said child, or if a parent, not having custody of said child, shall take and carry away said child from the custody of the parent to whom the custody of said child was awarded by said judgment of divorce, without the consent of the parent having such custody, the parent so doing shall be deemed guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years.

2. All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Gilliam.

H. B. 329. An act to amend and re-enact Sections 28.450 and 28.460, Kentucky Revised Statutes (1944 edition) re-

lating to the compensation of stenographic reporters in circuit orders of continuous session in counties having a population of less than 150,000 and in circuit courts not of continuous session in counties containing a city of the 2nd class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 28.450 and 28.460 of the Kentucky Revised Statutes (1944 edition) be amended and re-enacted so that said sections, as amended and re-enacted, shall read as follows:

28.450 (1019a-7) Reporters for circuit courts of continuous session in counties having a population of less than 150,000 shall receive for their services in taking stenographic notes a salary of not less than eighteen hundred dollars nor more than two thousand four hundred dollars per annum, and reporters for circuit courts not of continuous session in counties containing a city of the second class shall receive for their services in taking stenographic notes a salary of not less than twelve hundred dollars nor more than two thousand four hundred dollars per annum, to be fixed by the fiscal court and paid in monthly installments by the county. They shall receive for making transcripts for a person other than the county or state fifteen cents per hundred words; the pages shall average thirty lines each. In civil actions involving less than five hundred dollars they shall receive five dollars per day for taking stenographic notes of said actions and fifteen cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. In criminal cases the fee for making transcripts shall be paid by the county in which the court is held when the transcript is made upon the motion of the Commonwealth. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county. For duplicate copies of transcripts, reporters for circuit courts of continuous ses-

sion in counties having a population of less than 150,000 and circuit courts not of continuous session in counties containing a city of the second class, shall be allowed one-third the amount they are allowed for the original, to be paid for in the same manner as the original.

28.460 (4645a-3; 4645a-4) (1) The fees of reporters of circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be ten dollars per day for taking shorthand notes and twenty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon the motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the court shall direct the same to be paid by the county.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(2) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

By Mr. Burnley.

H. B. 330. An act relating to wash rooms.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Every owner or operator of a coal mine, steel mill, foundry, machine shop, railroad, or other like business in

which employes become covered with grease, smoke, dust, grime and prespiration to such extent that to remain in such condition after leaving their work without washing or cleansing their bodies and changing their clothes, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary washroom, with an adequate quantity of soap containing bland nonirritating detergents which effectively cleanse the skin, at a convenient place where employes are required to report for duty or are relieved from duty, in or adjacent to such place of employment for the use of such employes.

By Messrs. Steinford, Demumbrun, Hammonds, McClure, and Hilton.

H. B. 331. An act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 117.420 of the Kentucky Revised Statutes is amended to read as follows:

Sec. 1. Members of county boards of registration and purgation shall receive from three to eight dollars each per day, the exact compensation per day to be fixed by the fiscal court, for not more than twenty days per year, except in counties containing cities of the first class, in which each member shall receive $1,200 per annum, to be paid by the fiscal court in monthly installments. In counties that do not have a city of the first class, the board shall meet for not more than fifteen days before any primary election and for not more than fifteen days before any regular election. In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county

unless the persons affected by the meeting are given written notice of its time and place.

Sec. 2. Subsection (2) of section 117.430 of the Kentucky Revised Statutes is amended to read as follows:

Each county board of registration and purgation shall employ the purgation officers provided for in KRS Chapter 117. Purgation officers shall receive from three to eight dollars per day, the exact compensation per day to be fixed by the fiscal court, for not more than twenty days per year.

By Mr. Weintraub.

H. B. 332. An act providing that accused in criminal cases must give written notice three days before trial to Commonwealth's Attorney of intention to offer alibi as a defense; information to be given in notice; alibi excluded if notice not given.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever a defendant in a criminal cause shall propose to offer in his defense, testimony to establish an alibi on his behalf, such defendant shall, not less than three days before trial of such cause, file and serve upon the Commonwealth's Attorney of the Judicial District in which the trial is to be held, a notice in writing of his intention to claim such alibi; which notice shall include specific information as to the place at which the accused claims to have been at the time of the alleged offense; in the event of the failure of a defendant to file the written notice in this section prescribed, the court may, in its discretion, exclude evidence offered by the defendant for the purpose of proving such alibi.

By Mr. Weintraub.

H. B. 333. An act relating to peremptory challenges in Criminal Cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Commonwealth and the defendant shall each be allowed the following number of peremptory challenges:

(a) Ten, if the offense charged is punishable by death or imprisonment for life.

(b) Six, if the offense charged is a felony not punishable by death or imprisonment for life.

(c) Three, if the offense charged is a misdemeanor.

§ 2. Sections 203 and 204 of the Kentucky Criminal Code of Practice are repealed.

By Mr. Weintraub.

H. B. 334. An act amending section 237 of the Kentucky Criminal Code.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 237 of the Kentucky Criminal Code is amended to read as follows:

Where two or more defendants are jointly charged with any offense, whether felony or misdemeanor, they shall be tried jointly unless the court in its discretion on the motion of the prosecuting attorney or any defendant orders separate trials. In ordering separate trials, the court may order that one or more defendants be each separately tried and the others jointly tried, or may order that several defendants be jointly tried in one trial and the others jointly tried in another trial or trials, or may order that each defendant be separately tried; provided however, that if two or more defendants be jointly indicted for a felony, punishable by death, any defendant is entitled to a separate trial.

By Mr. Weintraub.

H. B. 335. An act amending section 436.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.050 of the Kentucky Revised Statutes is amended to read as follows:

Whoever has carnal copulation with a beast, or in any opening of the body, except sexual parts, or between any parts thereof, with another human being, shall be guilty of sodomy and shall be confined in the penitentiary not less than two nor more than ten years.

By Mr. Weintraub.

H. B. 336. An act relating to sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) The sheriff of each county having an assessed value of less than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second-class city, shall be paid a salary of $5,000 per annum. The fiscal court shall pay all the necessary expenses incident to the proper performance of the duties of the office of the sheriff including the premium on his revenue and personal bonds, but the expenses shall not in any year exceed $10,000.

(2) The sheriff shall, at the end of each month, furnish the fiscal court a sworn statement of all receipts and disbursements and a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the county treasurer the total amount collected by him. The fiscal court shall pay the sheriff his annual salary in monthly installments out of the county treasury, and shall pay the expenses incurred by him during the preceding month.

§ 2. The sheriff of each county having an assessed value of less than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city, may appoint such deputies and clerical assistants as are necessary for the proper performance of the duties of his office. The sheriff shall fix the salaries of the

deputies and clerical assistants, but the salaries of the deputies and clerical assistants shall not exceed $30,000 in any year. The fiscal court shall pay the annual salaries of the deputies and clerical assistants in monthly installments out of the county treasury.

By Messrs. J. Y. Brown, and Morgan (Joe T.)

H. B. 337. An act relating to the Kentucky Railroad Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The office of the Railroad Commission shall be at the seat of government.

(2) The commission may appoint a secretary at a salary of $2,000.00 per annum, a rate clerk at a salary of $1,800.00 per annum, and a stenographer at a salary of $1,200.00 per annum.

(3) The chairman of the commission shall receive a salary of $5,000.00 per annum, and each of the other commissioners shall receive a salary of $4,500.00 per annum. Each commissioner shall receive his actual, necessary traveling expenses while engaged in the discharge of his duties.

(4) The members and employees of the Railroad Commission, when in the performance of their official duties, shall have the right to free transportation between points in this state on all vehicles of common carriers subject in whole or in part to control or regulation by the commission. Each carrier shall issue to the state, for the use of each member and employee of the commission, written or printed authority entitling them to be transported free of charge over the lines of the carrier when engaged in the discharge of their official duties.

By Mr. Rayburn.

H. B. 338. An act relating to motor carriers, and amending Chapter 281 of the KRS, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 281 of the Kentucky Revised Statutes be amended by adding after Section 281.360 an additional section, to be known as Section 281.361, which shall read as follows:

Subsection 1. No motor carrier transporting in excess of twenty passengers in the Commonwealth of Kentucky, whether such carrier be either a common carrier or a contract carrier, as provided in Chapter 281, shall be operated upon the highways of the Commonwealth of Kentucky and engage in the transportation of passengers for hire unless such motor vehicle be equipped with two drivers' seats, the second seat to be in close proximity to the seat located directly to the rear of the driver's control instruments.

Subsection 2. No motor carrier transporting in excess of twenty passengers in the Commonwealth of Kentucky, whether such carrier be either a common carrier or a contract carrier, as provided in Chapter 281, shall be operated upon the highways of the Commonwealth of Kentucky and engage in the transportation of passengers for hire, unless such motor vehicle has a driver and a codriver in charge and control of said motor carrier when actually engaged in the transportation of passengers.

Subsection 3. All laws or parts in conflict herewith are hereby repealed.

By Mr. Brown.

H. B. 339. An act relating to bread and flour.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall advertise, sell or offer for sale, in this State as "enriched" bread or flour, any bread or

flour unless the same contains the vitamins and other ingredients necessary to make it conform to the definition and standard of identity, then in effect, of enriched bread or enriched white bread, or enriched flour, as fixed and established by order of the Federal Security Agency, or other appropriate federal agency or officer, pursuant to the provisions of the Federal Food, Drug and Cosmetic Act.

Section 2. The Department of Health shall enforce the provisions of this Act, and shall make, amend, or rescind rules, regulations, and orders for the efficient enforcement of this Act.

Section 3. Any person who violates any of the provisions of this Act, or the orders, rules or regulations promulgated by the Department of Health under authority thereof, shall, for each offense, be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both.

Section 4. Sections 217.271 to 217.274, and paragraph (b) of subsection (5) of section 217.990, of the Kentucky Revised Statutes are hereby repealed.

By Mr. Drury.

H. B. 340. An act relating to peremptory challenges allowed defendants in felony and misdemeanor cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203 of the Criminal Code is amended to read as follows:

The defendant is entitled to eight peremptory challenges in prosecutions for felony, and to three in prosecutions for misdemeanor.

By Mr. J. Y. Brown.

H. B. 341. An act to amend chapter 342 of the Kentucky Revised Statutes relating to workmen's Compensation, by amending and reenacting section 342.005, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 342.005 of the Kentucky Revised Statutes be and the same is hereby amended and reenacted so that the same, when amended and reenacted, shall read as follows:

§ 342.005 (1) The term "employer" as used in this chapter shall mean and include an individual, partnership, association, corporation or other legal entity, including the legal representatives of a deceased employer, and a receiver or trustee of an individual, partnership, association or corporation or other legal entity. This chapter shall apply to all employers having three or more employees regularly engaged in the same occupation or business, and to their employees, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States: Provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employees for a personal injury sustained by the employee by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall it include the results of a pre-existing disease but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air", and also shall include injuries or death due to the inhalation of any kind of gas and to the disease of silicosis.

(2) a. Every employer subject to the provisions of this chapter and who is engaged in a business or occupation which, by the terms of subsection (3) hereof is defined as "hazardous employment," shall secure, provide and pay compensation to his employees or their dependents under the provisions of this chapter for any personal injury sustained by any of his employees by accident arising out of and in the course of his

employment, or for death resulting from such accidental injury.

b. Every employer engaged in a business or occupation defined as "hazardous employment". shall insure and keep insured his liability for said compensation in the manner and under the provisions of subsection (1) of section 342.340 of the Kentucky Revised Statutes, and every such employer shall at the time of becoming subject to the provisions hereof file with the board in substantially the form prescribed by it, and annually thereafter, or as often as the board may deem it necessary, evidence of his compliance with the provisions of this subsection (2) and of subsection (1) of said section 342.340 and all others relating thereto.

c. Where at the time of an injury to an employee the employer of "hazardous employment" has complied with the provisions of subsection (2) of section 342.005 and subsection (1) of 342.340 of the Kentucky Revised Statutes for the payment of compensation under the provisions of this chapter for a personal injury, received by an employee by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two (2) years thereafter, and the employee has accepted compensation under the provisions of this chapter, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of section 342.015 and in section 342.170 of the Kentucky Revised Statutes, be released from all other liabilities.

d. Should any such employer fail to comply with the provisions of this subsection (2) or with any of the provisions of subsection (1) of said section 342.340 then such employer shall not, in any suit at law by an employee or his representative for personal injury or death by accident arising out of and in the course of his employment be permitted to defend any such suit at law upon the defenses that the employee was guilty of contributory negligence, that the injury was caused by the negligence of a fellow servant of the injured employee and that the employee has assumed the risk of injury, or upon any of said defenses; and in addition thereto such an employer shall be punished by a fine of not more than five hundred dol-

lars ($500.00) or by imprisonment for not more than one year, or both. Failure of an employer after imposition of the foregoing penalty, to provide for the payment of compensation under this chapter after notice by the board to such employer to do so, shall, as to each such notice be deemed a further violation in respect thereof and the same penalty shall be imposed. If such employer is a corporation, the president or treasurer, or both, shall be liable for such penalty.

e. Every employer subject to the provisions of this subsection (2) shall post and keep posted a notice in such form and in such manner and at such places as the board shall require, stating the fact as to whether or not the employer has provided compensation under the provisions of said subsection in behalf of his employees and stating also that it is optional with his employees to accept compensation as provided for in this chapter, as well as any other matter which the board may deem necessary so that the employee may be advised of his rights relating to the matter of compensation. Any such employer who knowingly violates the provisions hereof or who knowingly posts or keeps posted any notice which states that the employer has provided compensation for his employees when such is not the fact shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment for a period of not less than thirty days nor more than one year, or both.

f. The provisions of this chapter contained in other sections thereof shall be applicable to an employer engaged in a business or occupation herein defined as "hazardous employment," except those provisions of section 342.405 relating to the employer, and the provisions of subsection (2) of section 342.340, subsection (1) of section 342.015, and sections 342.390 and 342.410 of the Kentucky Revised Statutes shall not be applicable to any such employer.

(3) The term "hazardous employment" shall mean and include:

a. all work in or about quarries and mines of all kinds and all operations incidental thereto or connected therewith;

b. All work when making, using or necessitating dan-

gerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive;

c. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require iron or steel frame work;

d. The operation of all elevators, elevating machinery or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure;

e. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used;

f. All work of construction, operation, alteration or repair where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current;

g. All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes;

h. All work in the construction and repair of tunnels, subways, dams, and viaducts;

i. All work in mills, shops, works, yards, plants and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

(4) Any employer subject to the provisions of this chapter, but not subject to the provisions of subsection (2) of this section, may elect to operate under the provisions of section 342.390 of the Kentucky Revised Statutes; and any employers and employees who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employees, may subject themselves thereto by joint voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

§ 2. That there shall be added to chapter 342 of the

Kentucky Revised Statutes a new section to be designated as section 342.995 which, when enacted, shall read as follows:

§ 342.995 The provisions of this act or chapter shall be construed to be severable; and if any of said provisions are held unconstitutional or otherwise invalid, such invalidity shall not affect the operation of the remaining portions thereof. If any of the provisions of section 342.005 of this chapter, shall be held unconstitutional or otherwise invalid, all elections by employers made prior to the passage of this act shall be construed as being in full force and effect to the same extent as though said invalid provisions had not been enacted. Should the provisions of this act be held unconstitutional or otherwise invalid, the period of time intervening between the occurrence of injury to an employee or his death and the determination of invalidity or unconstitutionality shall not be computed as a part of the time limited by law for the commencement of any action relating to such injuries or death; but the amount of any compensation which may have been paid on account of such injury or death shall be deducted from damages recovered on account of such injury or death.

By Mr. Anderson.

H. B. 342. An act authorizing the fiscal courts of counties to purchase or otherwise acquire lands as permanent public forests and to expend funds out of the county tax levy into a forestry fund for the purpose.

Said bill is as follows, viz.:

Permanent Public Forests — Fiscal Courts Authorized and Empowered to Purchase or Acquire Lands.

Section 1. Be it enacted by the General Assembly of the State of Kentucky, that the Fscal Court of any county is hereby authorized and empowered to purchase or acquire by gift or devise any lands lying within the limits of such county so acquiring such lands and to own, hold, and maintain such lands for the purpose of a permanent public forest as hereinafter provided.

Notice of Intention—Stipulations.

Section 2. Whenever the Fiscal Court of any county shall

determine it advisable to purchase and acquire lands within such county to be owned, held, and maintained by such county for a permanent public forest, such Fiscal Court shall make an order requiring the auditor of such county to give notice for two consecutive weeks in a newspaper, which shall be of general circulation in such county, which notice shall state that said Fiscal Court on a date fixed by said Court and named in such notice, not less than thirty days after the final publication of such notice, will consider and act upon the advisability of so purchasing and acquiring the lands described in such notice, to be owned, held, and maintained by such county for a permanent public forest. Such notice shall be and constitute notice of the pendency of such proceedings as may be had upon the matter under consideration, as described in said notice, to all taxpayers of such county, whether resident or nonresident.

County Forestry Fund—Raised by Taxation.

Section 3. Upon the date named in such notice or any adjournment thereof the Fiscal Court shall consider the advisability of purchasing and acquiring the lands described in said notice given as required in Section 2 of this act, to be owned, held, and maintained by such county for a permanent public forest and if deemed advisable by said Fiscal Court then said Court may make an order for the purchase of the lands described in said notice, fixing the amount to be paid therefor, which payment shall be made from the county forestry fund, raised by taxation in the manner provided in this act. The amount to be paid for the purchase and acquisition of such lands shall not exceed the amount contained in said county forestry fund at said time and available for the purchase of said lands.

Fiscal Courts Budget Commission—Tax Levy—Appropriations.

Section 4. Upon the estimate and recommendation of the Fiscal Court, the Budget Commission at the time of fixing the rate of the tax levies and making the appropriations for said county, shall fix a tax levy which shall be uniform throughout the county for the purpose of creating and maintaining a

county forestry fund and may make appropriations from such fund for the purchase and acquisition by the Fiscal Court of lands to be owned, held, and maintained by such county for a permanent public forest.

Gifts—Acceptance—Condition—Approval of Majority of Fiscal Court Members.

Section 5. If any lands shall be given or devised to any county, with the condition that such lands so given or devised shall be owned, held, and maintained by such county for the purpose of a permanent public forest, such county shall not accept the gift or devise of such lands unless the majority of the members of the Fiscal Court shall approve, the acceptance of such gift or devise.

Plant to Trees Within Period of Ten Years—Taxation—Revenues Shall Accrue to Use of County — Upkeep — Additional Lands.

Section 6. Any land which shall be acquired by any county for the purpose of a permanent public forest under the provisions of this act, if not growing in timber at the time of acquisition, shall be planted to trees within a period of ten years after being acquired and any county is hereby empowered to raise a sufficient sum by taxation to reforest any such land within the required period of time. All revenue derived from such forest land by the sale of timber or otherwise shall accrue to the use of the county owning and holding such land. Such revenue shall be applied first to the upkeep and maintenance of such public forest and secondly for the purchase and acquisition of such additional lands as shall be determined upon by said Fiscal Court and the remainder of such revenue shall be used by the county owning and holding such forest land as the Fiscal Court shall determine from year to year.

Lands Protected—Hazards—Lands Open to Use of Public for Recreational Purposes—Condition.

Section 7. All lands acquired under the provisions of this act shall be protected at all times, as far as possible, from fire and grazing, and shall be kept and maintained as a permanent public forest, and the timber growing thereon shall be

cut in accordance with approved forestry methods and in such manner as to perpetuate succeeding stands of trees. All such forest lands shall be open to the use of the public for recreational purposes so far as such recreational purposes do not interfere with, or prevent the use of, such lands to the best advantage as a public forest.

Supervision of Fiscal Courts — Properly Protect and Care for Forests — Division of Forestry — Excess Costs of Maintaining, Now Paid.

Section 8. Such public forests shall be under the supervision of the Fiscal Court and it is hereby authorized and empowered, either separately or in cooperation with other boards or commissions, to employ necessary and competent supervisors and laborers to properly protect and care for such forests and to perform the necessary duties connected therewith and any county owning and holding land as a public forest shall at all times have the privilege of obtaining the advice, counsel and cooperation of the division of forestry in the Department of Conservation in the planting of trees, the marketing of timber, the prevention of fires, and in any matter that may pertain to the efficient maintenance of such public forest. If the cost of maintaining any such public forest shall at any time exceed the amount of revenue derived from such forest, such excess shall be paid out of the forestry fund of such county, created and raised by taxation under the provisions of this act.

By Mr. Stone.

H. B. 343. An act relating to the Investment of the Funds of Domestic Life Insurance Companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, in addition to the investments now authorized by law, the capital surplus and all accumulations of every domestic life insurance company may be invested:

(1) In loans to veterans of World War II, guaranteed in whole or in part by the United States, pursuant to Title III

of the Act of Congress, known as the "Service Men's Readjustment Act of 1944," as amended by Title 588, Public Law 268, 79th Congress, and any amendments thereto, provided such guaranteed loans are liens upon real estate.

(2) In the bonds, notes, or debentures of solvent, incorporated companies, existing under the laws of the United States or any state thereof, provided that such corporation shall not have defaulted in payment of interest or principal on any of its bonds, notes, debentures, or other evidences of indebtedness during the ten years immediately preceding the date of investment; *and provided further* that no part of the property of such corporation shall be subject to any lien or other obligation (except current taxes and equipment trust certificates) entitled to priority of payment over said bonds, notes, debentures, or evidences of indebtedness; and that the instrument under which same shall have been issued shall provide that, except in the case of purchase money mortgages and purchase money liens, if the company shall at any time mortgage, pledge, or otherwise subject to any lien the whole or any part of any property or assets owned by it, or thereafter acquired by it, it will secure the outstanding notes, bonds, or debentures ratably with the indebtedness or obligation secured by such mortgages, pledge or lien.

By Mr. Phillips.

H. B. 344. An act relating to the condemnation of real property by counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever the Fiscal Court of any county deems it to be in the best interest of the county to acquire the fee simple title to any real property within such county for any administrative or governmental purpose in addition to those now provided for by law and the Fiscal Court is unable to contract with the owner of the land, required for such purpose, for its purchase or to acquire the same by gift, the land may be condemned under the procedure set forth in KRS 416.110,

and said Fiscal Court may appropriate funds to pay for said real property.

By Mr. Claude Hammonds.

H. B. 345. An act authorizing the imposition, by cities and counties, of an excise tax upon the use, sale or distribution of distilled spirits, wine and malt beverages; etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, the term "distilled spirits," "wine" and "malt beverages" shall have the same meaning as defined in KRS 241.010.

§ 2. Any city may, by ordinance, levy an excise tax upon the use, sale or distribution of distilled spirits, wine and malt beverages within its city limits, and any county may, by an order of the fiscal court, levy such a tax upon the use, sale or distribution of such alcoholic beverages in such county outside the corporate limits of any city.

§ 3. Any tax levied under the provisions of section 2 of this Act shall be at the following rates:

(1) Upon the use, sale or distribution of distilled spirits, thirty-two cents on each wine gallon, and a proportional rate on all distilled spirits in any container of more or less than one gallon.

(2) Upon the use, sale or distribution of wine, eight cents on each gallon, and a proportional rate on all wine in any container of more or less than one gallon.

(3) Upon the use, sale or distribution of malt beverages, one dollar and ninety-six cents on each barrel of thirty-one gallons, and a proportional rate on each container of more or less than thirty-one gallons.

§ 4. If a city or county levies any tax under the provisions of this Act, it shall, by ordinance or order, require licensed wholesalers and distributors (including brewers who distribute malt beverages to retailers) to collect from the retailer the tax so imposed at the time beverages are delivered to the retailer. Such wholesalers and distributors shall be re-

quired to furnish the city or county a copy of each invoice covering the taxed beverages and shall settle for taxes collected each month not later than the 20th day of the following month. The city or county may provide penalties for the failure to collect or pay any taxes imposed under this Act, not exceeding the penalties provided in KRS 243.990 for the failure to pay or collect the state excise tax on such beverages.

§ 5. The proceeds of any tax levied by a city or county under the provisions of this Act, after deducting the expenses of administration, shall be paid into the general fund of the city or county.

By Mr. Ernst.

H. Res. 73. A resolution authorizing Harry Savage to sue the Commonwealth of Kentucky or State Highway Department or both.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Harry Savage is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commissioner, both or either of them, in the Circuit Court of Carter County, Kentucky, for such damages brought about through the carelessness and negligence of the State Highway Commissioner, his agents or employees. In the event any judgment is recovered by Harry Savage in any such suit or suits for the personal injury or property damaged or the same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer and paid out of the General Fund. Either party to said suit may appeal from any such judgment which may be rendered as in any other civil suit and the case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same way or manner of any other civil suit.

Anything contained in this Resolution shall not be considered by either the Court or the jury as substantive evidence on the merits of the alleged claim and the court shall

instruct that the resolution authorizing this suit or suits shall not be considered as an admission on the part of the Commonwealth of Kentucky or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Provided that the amount sued on for personal injuries and loss of time shall not exceed the sum of one thousand ($1,000.00) dollars for said Harry Savage, and that the amount sued on for property damage shall not exceed the sum of two hundred seventy five ($275.00) dollars.

By Mr. Myers.

H. Res. 74. A resolution authorizing A. B. Boyd to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, A. B. (Yank) Boyd is authorized to sue the Commonwealth of Kentucky in the Logan Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky, while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $2,113.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by the Court or jury as an admission of negligence upon the part

of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

By Mr. Todd.

H. Res. 75. A concurrent resolution requesting the Department of Highways through its Planning Survey Division to make a thorough study of the taxes that should be required from the trucking interests and other motor vehicles that are using the public roads.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the State Highway Commissioner be requested to make a thorough study of the required taxes that should be levied against trucks and other classes of motor vehicles using the public highways so that a just burden of taxes may be carried by each class of motor vehicle comparable to the additional expenses required for construction and maintenance of the highways and bridges. Such detailed study to be carried out and prepared for the next meeting of the Legislature in 1948.

By Mr. Eversole.

H. Res. 76. A concurrent resolution relative to the celebration of the "Wilderness Road."

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein, that

WHEREAS, "The Wilderness Road", the first wagon road connecting the New Commonwealth of Kentucky with the mother Commonwealth of Virginia and the East, which road was authorized by an Act of the Kentucky Legislature at its November session in 1795, was built from Crab Orchard to Cumberland Gap during the summer of 1796; and

WHEREAS, "The Wilderness Road" vitally influenced the settlement and development of Kentucky and the territory to the north and west of us, and played an important part in the history of the Commonwealth; Therefore

Be It Resolved, That The Senate and The House of Representatives of Kentucky, suggest and recommend a state-wide observance of the One Hundred and Fiftieth Anniversary of the building and opening of that great highway; and that appropriate ceremonies be held in the many communities along The Wilderness Road and extensions of it, and in communities throughout the Commonwealth that have been influenced by it. And

Be It Further Resolved, That we encourage observances of the Sesqui-Centennial of The Wilderness Road in and by other States whose pioneers traveled that Road for so many years was the one artery of travel and commerce to and with the States to the East, and whose culture reflects the greatness of the men and women, who in those early days came to them over The Wilderness Road. And

WHEREAS, The Laurel County Homecomings have for the past twelve years has been held annually on "The Week-end of the Full Moon in August" in the Levi Jackson Wilderness Road State Park, near London, Kentucky; and through their special programs, including "Star Route" Mail Carriers, Swiss Colony and Founders Days, and Southeastern Kentucky Singing Convention, have become increasingly of State-wide interest, attracting as many as 20,000 persons annually before the war; And

WHEREAS, The Levi Jackson Wilderness Road State Park, being on both the Old Boone Trace and The Wilderness Road, and the site of McNitt's Defeat, the worst Indian massacre ever to occur in Kentucky, known throughout the years as "Defeated Camps", is of special historical interest in its relation to those well-known pioneer trails; And

WHEREAS, Plans for the celebration of this occasion at this place, including a reenactment of said massacre and a trek over the old Wilderness Road in an oxdrawn, schooner-bred, linchpin wagon, have been developing over several years;

Therefore

Be It Further Resolved, That we heartily endorse this celebration in Levi Jackson Wilderness Road State Park as the climax and culminating event in Kentucky of the observance of the Sesqui-Centenial of The Wilderness Road; and suggest that it receive the full support of every branch, department and division of the State Government, that we might be reminded of the greatness of Kentucky in the past and present, to the end that this greatness will be maintained and increased in the years to come.

Ordered that said bills and resolutions be printed and referred.

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

H. B. 172. An Act to provide for a Division of Soil and Water Resources in the Department of Conservation.

H. Res. 51. Resolution authorizing J. K. Thompson to sue the Commonwealth.

H. Res. 44. Resolution authorizing Samuel Peters to sue the Commonwealth.

H. B. 252. An Act relating to police courts in cities of the first class.

H. B. 193. An Act changing the terms of Circuit Court in the 23rd Judicial District.

H. B. 230. An Act relating to the establishment by cities of artificial gas systems.

H. B. 69. An Act to amend subsec. (2) of Sec 199.240 so as to increase the amounts that may be paid as salaries to probation officers in counties having a city of the second class.

H. B. 232. An Act relating to the establishment by cities of garbage disposal systems.

H. B. 218. An Act amending subsec. 1. of sec. 95.530 KRS relating to the police and firemen's pension fund by cities of the second class.

H. B. 194. An Act relating to banks and trust companies.

With a Committee amendment thereto.

H. B. 202. An Act relating to legislative research audits, and studies, etc.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 165. An Act relating to aviation.

With committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. 183.010 of the 1944 edition of the Kentucky Revised Statutes is repealed, amended, and reenacted so that when amended and reenacted it will read as follows:

(1) As used in chapter 183 of the Kentucky Revised Statutes, unless the context otherwise requires:

(a) "Aircraft" means any contrivance now known, or hereafter invented, used or designated for navigation of or flight in the air.

(b) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(c) "Civil aircraft" means any aircraft other than a public aircraft.

(d) "Airport" means any area, of land or water, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights of way, whether heretofore or hereinafter established except the word "airport" as the word is used in KRS 183.430 to 183.510, shall be synonymous with "landing field," or "aviation field," or "landing strip," and shall indicate and mean any place constructed for the landing or dispatch of machines or aircrafts in the navigation of the air, and which has been approved and designated for such purposes by the Kentucky Aeronautics Commission.

(e) "Airport board" or "board" means a board appointed as provided in KRS 183.390, but this board may be known by whatever title the city or county, or city and county, may designate.

(f) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off.

(g) "Airport facilities" includes land, buildings, equipment, runways and other improvements and appurtenances necessary or proper for the establishment and maintenance of airports.

(h) "Commission" means Kentucky Aeronautics Commission.

(i) "Operation of aircraft" or "operate aircraft"

means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of the aircraft within the meaning of the statutes of this State.

(j) "Air navigation" means the operation of navigation of aircraft in the air space over this State, or upon any airport within this State.

(k) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the laws of this State or by regulations of the Commission consistent therewith.

(l) The term "Common carriers" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the State of Kentucky.

(m) The term "Charter operator" shall include all persons not included in the definition of the term "common carrier," and specifically those persons who transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points.

(n) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(o) The term "Civil Aeronautics Authority" shall mean that authority or board of the United States Government empowered to regulate interstate commerce by aircraft.

(p) "Aeronautics" means transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes, the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities, and air instruction.

(q) "Air navigation facility" means any facility other than one owned or controlled by the Federal Government,

used in, available for use in, or designed for use in, aid of air navigation, including airports and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport and any combination of any or all of such facilities.

(r) "City" means any city of the second, third, fourth, fifth, or sixth class, and "city and county" means a city and county jointly acquiring an airport under KRS 183.370.

(s) "Governmental unit" means any city, or the combination of any two or more thereof, or any county, or combination of two or more such counties, city or cities, acting jointly with any county or counties.

(2) Where a city and county are acting jointly an action contemplated by KRS 183.630 to 183.740 to be taken by the legislative body of the governmental unit shall be taken by an ordinance of the city legislative body and parallel or companion resolution of the fiscal court.

Section 2. 183.020 (4) of the 1944 edition of the Kentucky Revised Statutes is repealed, amended, and reenacted so that when amended and reenacted it will read as follows: All members of the Kentucky Aeronautics Commission shall be at least twenty-five years of age, and at least two members, without regard to their political affiliations, shall be identified with aviation.

Section 3. 183.030 of the 1944 edition of the Kentucky Revised Statutes is repealed, amended, and reenacted so that when amended and reenacted will read as follows:

(1) Each member of the Kentucky Aeronautics Commission shall receive as compensation for actual attendance on regularly assembled meetings or hearings of the Commission ten dollars for each day he attends as shown by the record and shall be reimbursed for necessary expenses while in attendance. The Commission shall, upon the appointment of its members, organize and elect officers. It shall elect a chairman, vice-chairman, and secretary from among its members to serve for one year, and annually thereafter shall elect such officers.

(2) The Commission may employ necessary agents and employees, and may prescribe such rules and regulations, other than air traffic rules as provided in KRS 183.080, as it deems necessary.

(3) The Commission shall constitute a corporation with the usual corporate powers, including the power to acquire and sell real and personal property by purchase, gift, condemnation or otherwise, and may do all things reasonable or necessary to carry out the work contemplated in KRS 183.020 to 183.130.

Section 4. (1) The Kentucky Aeronautics Commission may designate, design, and establish, expand, or modify a state airways system which will best serve the interests of the State. It may chart such airways system and arrange for publication and distribution of such maps and charts and notices and bulletins relating to such airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, provided that such facilities conform to federal safety standards.

(2) The Commission shall annually, or as often as it deems necessary, prepare and publish a State Airport Plan for the purpose of co-ordinating and effecting a state and national system of airports. The Commission shall, in the preparation of said plan, take into consideration the local needs for an airport, the state and national system of airports and any program inaugurated by the Federal Government to render aid for the development of airports.

(3) INTERVENTION—It may participate as party plaintiff or defendant, or as intervener on behalf of the State or any municipality or citizen thereof in any controversy having to do with any claimed encroachment by the Federal Government or any foreign state upon any state or individual rights pertaining to aeronautics.

(a) To enforce the provisions of this chapter, the Commission may in addition to all other remedies institute and prosecute injunctive proceedings without the execution of a bond.

Section 5. 183.040 of the 1944 edition of the Kentucky Revised Statutes is repealed, amended and reenacted so that when amended and reenacted will read as follows: The Commission shall appoint a Kentucky Aeronautics Director to hold office during the pleasure of the Commission. The director shall hold a valid commercial license or its equivalent issued by the United States Government for the piloting of aircraft, and shall have at least five years' experience in aeronautics. The director shall be the executive officer of the Commission, and under its supervision, shall administer and carry out the provisions of chapter 183, KRS, and the rules and regulations and orders of the Commission established thereunder as well as the laws of the United States and the State of Kentucky with reference to aeronautics. He shall be in charge of the office of the Commission and be responsible to the Commission for the preparation of reports and the collection and dissemination of public information relating to aviation. At the direction of the Commission the director shall, together with the chairman of the Commission, execute all contracts entered into by the Commission. The director may attend, but not vote, at all meetings of the Commission.

Section 6. 183.090 of the 1944 edition of the Kentucky Revised Statutes is repealed, amended, and reenacted so that when amended and re-enacted it will read as follows:

(1) INSPECTION OF AIRPORTS; UNLAWFUL TO OPERATE FROM AIRPORT DECLARED UNFIT. The Commission shall, by the Director of Aeronautics or otherwise, cause all airports in the state to be inspected to determine the safety and adequateness of the facilities for the operation of aircraft. No person shall operate any aircraft for hire from an airport declared unfit for operation by the director or the Commission, until the airport is approved by the Commission.

(2) STANDARDS FOR ISSUING CERTIFICATES OF APPROVAL AND LICENSES: In determining whether it shall issue a certificate of approval or license for the use or operation of any proposed airport, the Commission shall take into consideration its proposed location, size and layout, the relationship of the proposed airport to a comprehensive plan

for the state-wide and nation-wide development, whether there are safe areas available for expansion purposes, whether the adjoining area is free from obstructions based on a proper glide ratio, the nature of the terrain, the nature of the uses to which the proposed airport will be put, and the possibilities for future development.

(3) REVOCATION OF CERTIFICATE OF APPROVAL AND LICENSES—The Commission is empowered to temporarily or permanently revoke any certificate of approval or license issued by it when it shall determine that an airport or other navigation facility is not being maintained or used in accordance with the provisions of this act and the rules and regulations lawfully promulgated pursuant thereto.

Section 7. AIRPORT PROTECTION PRIVILEGES—Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports acquired or operated under the provisions of this act, the Kentucky Aeronautics Commission is hereby granted authority to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports and such other airport protection privileges as are necessary to insure safe approaches to the landing areas of said airports, and the safe and efficient operation thereof. The Kentucky Aeronautics Commission is also hereby authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights for the nighttime marking of airport hazards, including the right of ingress or egress to or from such airport hazards for the purpose of maintaining and repairing such lights and marks. This authority shall not be so construed as to limit the right, power or authority of the state or any municipality to zone property adjacent to any airport pursuant to any law of this state.

Section 8. Any investigation, inquiry, or hearing which the commission is authorized to hold or undertake may be held or undertaken by, or before, any one member of the

Commission. Any investigation, inquiry, hearing or decision of the Commission, and any order made by a member thereof, when approved by a majority of the members and so shown on a record of its proceedings, shall be considered an order of the Commission.

Section 9. (1) Processes and proceedings under this chapter shall be as summary and simple as reasonably possible. The Kentucky Aeronautics Commission or any member thereof, for the purpose of this chapter, may subpoena witnesses; administer, or cause to have administered, oaths; and examine, or cause to have examined, such parts of the books and records of the parties to a proceeding as related to the question under consideration.

(2) The sheriff shall serve all subpoenas of the Kentucky Aeronautics Commission and shall receive from the Commission the same fee as provided by law for like service in civil actions.

(3) Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage for witnesses in civil cases in the circuit court to be paid by the party at whose request the witness was subpoenaed.

(4) The Circuit Court shall, on application of the Kentucky Aeronautics Commission or any member thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

Section 10. The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment and operation of airports and other air navigation facilities, and the exercise of any other powers herein granted to municipalities, are hereby declared to be public, governmental and municipal functions, exercised for a public purpose, and matters of public necessity, and such lands and other property, easements and privileges acquired and used by such municipalities in the manner and for the purposes enumerated in this act shall and are hereby declared

to be acquired and used for public, governmental and municipal purposes and as a matter of public necessity.

Section 11. (1) The Commission and its employees or authorized representatives shall, for traveling necessitated by the discharge of official duties, be reimbursed for any mode of transportation actually paid for, not exceeding the regular fare over the most direct route, meals and lodging and other necessary expenses actually paid for.

(2) The Commission members, their agents and employees, in for the discharge of the official duties of the Commission are hereby authorized to use their own aircraft, to contract for hire, rent or lease aircrafts, and be reimbursed for the usual and reasonable rental on such aircrafts.

Section 12. AERONAUTICS FUNCTIONS GOVERNMENTAL—NO LIABILITY FOR TORTS. The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of any airport protection privileges; the acquisition, establishment, construcion, enlargement, improvement, maintenance, equipment, and operation of airports and other air navigation facilities, whether by the state separately or jointly with any governmental unit thereof; the assistance of this state in any such acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation; and the exercise of any other powers herein granted to the Commission are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity, and such lands and other property and privileges acquired and used by the state in the manner and for the purposes enumerated in this act shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Section 13. All counties in the State of Kentucky which are located on the boundary line between the State of Kentucky and any other state, or are contiguous to such counties as well as all governmental units which are located in such boundary counties, or contiguous counties, are hereby authorized, separately, jointly with each other or jointly with

any municipality or political subdivision of any such boundary state to acquire equipment, construct, expend or lease, control, improve, maintain, operate, regulate and police airports and landing fields for the use of aircraft either within or without the geographical limits of any county, municipality or political subdivision of any such boundary state other than the State of Kentucky.

Section 14. 183.600 of the 1944 edition of the Kentucky Revised Statutes is hereby repealed.

Said amendments as offered by the Committee are as follows, viz.:

1. Amend H. B. 165 by inserting, after the word "Board" in paragraph (e) of Section (1), and after the word "City" in paragraph (r) of Section (1), the following:

"(Except in KRS 183.140 to 183.220)"

2. Amend H. B. 165. by adding a new section at the end of said, bill to read as follows:

"Section 15. It is the intent of the General Assembly that Section 4 and Sections 7 to 13, inclusive, of this Act shall be compiled in and constitute a part of Chapter 183 of the Kentucky Revised Statutes; and that said sections shall be governed by the definitions contained in KRS 183.010 as amended by this Act. Wherever in said sections, or elsewhere in this Act, the term 'this Act' or 'this chapter' or 'herein' is used, it is intended to mean Chapter 183 of the Kentucky Revised Statutes, as amended and supplemented by this Act."

Said amendments were each agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Thos. A. Noe
Roy W. Arnold	C. L. Hammonds	Joe E. Nunn
F. O. Baker	E. R. Hilton	Louis T. Peniston
Harold L. Barnes	Clyde S. Howard	Sylvester Phillips
F. H. Bassett, Jr.	Maurice Howard	E. F. Prichard
W .G. Biggers	Jerry F. Howell	Kelse H. Risner
Jack Bingham	Ira W. Hulette	Amos Runyan
B. J. Bonn	W. H. Hunt	J. W. Simmons
J. C. Bradley	Kerby Jennings	Luther Slusher
B. K. Brantley	Paul Jonas	Forrest Smith
John Y. Brown	B. F. Kincaid	W. R. Smith
Mrs. Mary Burnett	G. O. Kirkpatrick	P. J. Stapleton
Chas. W. Burnley	Edgar Kitchen	Geo. W. Steinford
Alex. H. Calvert	Homer E. Losey	L. S. Stephens
W. K. Coleman	H. K. Lowman	E. L. Thompson
Fred Creasey	E. J. Lucas	Walter L. Trivette
S. J. Daugherty	E. H. Martin	S. J. Wagner
Adron Doran	W. E. McClure	Harry F. Walters
G. I. Drury	Jack McPherron	Lyle H. Webb
A. H. Eversole	J. L. Moore	Geo. J. Weining
Henry J. Giles	J. Lee Moore	Morris Weintraub
Tom Gilliam	Fred Morgan	Rodney Whitlow
M. B. Gilligan	E. C. Mullins	John Wilborn
Otto W. Goff	Rodes K. Myers	—71

Those who voted in the negative were—

Ott Begley	J. J. Huff	Hobart Rayburn
L. A. Demumbrun	L. H. Jones	C. W. Taylor
E. R. Denny	A. L. Love	Ray G. Tipton
Eck Embry	F. G. Marquette	E. N. Todd
R. R. Ernst	Harry L. Moore	—14

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 166. An Act to empower and direct municipalities and other political subdivisions to promulgate, administer, and enforce airport zoning regulations, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Airport" means any area, of land or water which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights of way, whether heretofore or hereinafter established.

(2) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off.

(3) "Political subdivision" means any city or county.

(4) "Legislative body," in the case of a county, means the fiscal court.

(5) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

(6) "Ordinance," in the case of a county, means resolution of the fiscal court.

2. AIRPORT HAZARDS NOT IN PUBLIC INTEREST. It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in this vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and is therefore not in the interest of the public health, public safety or general welfare.

3. ADOPTION OF AIRPORT ZONING REGULATIONS. (1) Every political subdivision may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for any airport within its jurisdiction, which regulations shall divide the area surrounding the airport into zones, and, within such zones, specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow. In adopting or revising any such zoning regulations, the political subdivision shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the possibility of lowering or removing existing obstructions, and the views of the agency of the Federal Government charged with the fostering of civil aeronautics, as to the aerial approaches necessary to safe flying operations of the airport.

(2) In the event that a political subdivision has adopted, or hereafter adopts, a general zoning ordinance regulating, among other things, the height of buildings, and airport zoning regulations adopted for the same area or portion hereof under this Act, may be incorporated in and made a part of such general zoning regulations, and be administered and enforced in connection therewith, but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted under this Act.

(3) Any two or more political subdivisions may agree by ordinance duly adopted, to create a joint board and delegate to said board the powers herein conferred to promulgate, administer and enforce airport zoning regulations to protect the aerial approaches of any airport located within the corporate limits of any one or more of said political subdivisions. Such joint boards have as members two representatives appointed by the chief executive officer of each political subdivision participation in the creation of said board and a chairman elected by a majority of the members so appointed.

(4) The jurisdiction of each political subdivision is hereby extended to the promulgation, administering and en-

forcement of airport zoning regulations to protect the approaches of any airport which is owned by said political subdivision but located wholly or partially outside the corporate limits of said political subdivision. In case of conflict with any airport zoning or other regulations promulgated by any other political subdivision, the regulations adopted pursuant to this subsection shall prevail.

(5) All airport zoning regulations adopted under this Act shall be reasonable, and none shall require the removal, lowering, or other change or alteration of an structure or tree not conforming to the regulations when adopted or amended, or otherwise intefere with the continuance of any non-conforming use, except as provided in Section 4 (1).

4. PERMITS AND VARIANCES. (1) PERMITS. Where advisable to facilitate the enforcement of zoning regulations adopted pursuant to this Act, a system may be established by any political subdivision for the granting of permits to establish or construct new structures and other uses and to replace existing structures and other uses or make substantial changes therein or substantial repairs thereof. In any event, before any non-conforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the administrative agency determines that a non-conforming structure or tree has been abandoned or more than 80 percent torn down, destroyed, deteriorated, or decayed: (a) no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations and (b) whether application is made for a permit under this paragraph or not, the said agency may by appropriate action compel the owner of the non-conforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such ob-

ject as may be necessary to conform to the regulations or, if the owner of the non-conforming structure or tree shall neglect or refuse to comply with such order for 10 days after notice thereof, the said agency may proceed to have the object so lowered, removed, reconstructed, or equipped and assess the cost and expense thereof upon the object or the land whereon it is or was located. Unless such an assessment is paid within 90 days from the service of notice thereof on the agent or owner of such object or land, the sum shall bear interest at the rate of 10 percent per annum until paid, and shall be collected in the same manner as are general taxes. Except as indicated, all applications for permits for replacement, change or repair of non-conforming uses shall be granted.

(2) VARIANCES. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property, in violation of airport zoning regulations adopted under this Act, may apply to the Board of Appeals, as provided in Section 5 (3), for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Act.

(3) OBSTRUCTION MARKING AND LIGHTING. In granting any permit or variance under this Section, the administrative agency or Board of Appeals may, if it deems such action advisible to effectuate the purposes of this Act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain suitable obstruction markers and obstruction lights thereon.

5. PROCEDURE. (1) ADOPTION OF ZONING REGULATIONS. No airport zoning regulations shall be adopted, amended, or changed under this Act except by action of the legislative body of the political subdivision in question, or the joint board provided for in Section 3 (3), after a public hearing in relation thereto, at which parties of interest and citizens

shall have an opportunity to be heard. At least 15 days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which the airport is located.

(2) ADMINISTRATION OF ZONING REGULATIONS—ADMINISTRATIVE AGENCY. The legislative body of any political subdivision adopting airport zoning regulations under this Act may delegate the duty of administering and enforcing such regulations to any administrative agency under its jurisdiction or may create a new administrative agency to perform such duty, but such administrative agency shall not be or include any member of the Board of Appeals. The duties of such administrative agency shall include that of hearing and deciding all permits under Section 4 (1), but such agency shall not have or exercise any of the powers delegated to the Board of Appeals.

(3) ADMINISTRATION OF AIRPORT ZONING REGULATIONS—BOARD OF APPEALS. Airport zoning regulations adopted under this Act shall provide for a Board of appeals to have and exercise the following powers:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this Act or of any ordinance adopted pursuant thereto;

(b) To hear and decide special exceptions to the terms of the ordinance upon which such Board may be required to pass under such ordinance;

(c) To hear and decide specific variances under Section 4 (2). where a zoning board of appeals or adjustment already exists, it may be appointed as the Board of Appeals. Otherwise, the Board of Appeals shall consist of five members, each to be appointed for a term of three years and to be removable for cause by the appointing authority upon written charges and after public hearing.

The Board shall adopt rules in accordance with the provisions of any ordinance adopted under this Act. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer

oaths and compel the attendance of witnesses. All meetings of the Board shall be public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Board and shall be a public record.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board, or bureau of the political subdivision affected, by any decision of the administrative agency. An appeal must be taken within a reasonable time, as provided by the rules of the Board, by filing with the agency from which the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay, would, in its opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the agency from which the appeal is taken and on due cause shown.

The Board shall fix reasonable time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The Board, may, in conformity with the provisions of this Act, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

The concurring vote of a majority of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

6. JUDICIAL REVIEW. (1) Any person aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board, or bureau of the political subdivision, may present to the circuit court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 10 days after the decision is filed in the office of the Board.

(2) Upon presentation of such petition the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the Board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

(3) The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(4) The court shall have exclusive jurisdiction to affirm modify, or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Appeals. The findings of fact by the Board, if supported by substantial evidence, shall be accepted by the court as conclusive and no objection to a decision of the Board shall be considered by the court unless such objection shall have been urged before the Board, or if it was not so urged, unless there were reasonable grounds for failure to do so.

(5) Costs shall not be allowed against the Board of Appeals unless it appears to the court that it acted with gross

negligence, in bad faith, or with malice, in making the decision appealed from.

7. ENFORCEMENT AND REMEDIES. Each violation of this Act or of any regulations, order, or ruling promulgated or made pursuant to this Act shall be punishable by a fine of not more than $500 or imprisonment for not more than 30 days or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense. In addition the political subdivision or agency adopting zoning regulations under this Act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Act, or of airport zoning regulations adopted under this Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Act and of the regulations adopted and orders and rulings made pursuant thereto.

8. ACQUISITION OF AIR RIGHTS. In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming use; or (2) the approach protection necessary cannot, because of non-constitutional limitations, be provided by airport zoning regulations under this Act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or non-conforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant or condemnation in the manner provided by the Kentucky Revised Statutes 416.120, such an air right, easement, or other estate or interest in the property or non-conforming use in question as may be necessary to effectuate the purposes of this Act.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length having been dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Otto W. Goff	E. C. Mullins
Roy W. Arnold	R. M. Hall	Rodes K. Myers
F. O. Baker	C. L. Hammonds	Thos. A. Noe
Harold L. Barnes	E. R. Hilton	Joe E. Nunn
F. H. Bassett, Jr.	Clyde S. Howard	Louis T. Peniston
W. G. Biggers	Jerry F. Howell	Kelse H. Risner
Jack Bingham	Ira W. Hullette	Amos Runyan
B. J. Bonn	W. H. Hunt	J. W. Simmons
J. C. Bradley	Kerby Jennings	Luther Slusher
B. K. Brantley	Paul Jonas	Forrest Smith
John Y. Brown	B. F. Kincaid	W. R. Smith
Mrs. Mary Burnett	G. O. Kirkpatrick	E. A. Spencer
Chas. W. Burnley	Edgar Kitchen	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	E. J. Lucas	Ralph G. Stone
Fred Creasey	F. G. Marquette	E. L. Thompson
L. A. Demumbrun	E. H. Martin	E. N. Todd
Adron Doran	W. E. McClure	Walter L. Trivette
G. I. Drury	Jack McPherron	S. J. Wagner
Forest C. Easley	Harry L. Moore	Harry F. Walters
Eck Embry	J. L. Moore	Lyle H. Webb
Henry J. Giles	J. Lee Moore	Morris Weintraub
Tom Gilliam	Fred Morgan	John Wilborn
M. B. Gilligan		—70

Those who voted in the negative were—

Ott Begley	J. J. Huff	Ray G. Tipton
A. H. Eversole	A. L. Love	—5

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 167. An Act incorporating airports as a part of the State Primary Road System, providing for their construction and making an appropriation therefor.

With a Committee Amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 177.010 (3) of the 1944 edition of the Kentucky Revised Statutes is repealed, amended, and reenacted so that when amended and reenacted it will read as follows: "Roads" includes highways, bridges and bridge approaches, ferries and airports.

Section 2. Section 177.020 (1) of the 1944 edition of the Kentucky Revised Statutes is repealed, amended and reenacted so that when amended and reenacted it will read will read as follows:

(1) The state primary road system shall consist of such public roads within the state as the Department of Highways determines shall be constructed and maintained by the Department of Highways and such airports as are included in the State Airport Plan.

Section 3. $500,000 annually of all revenues realized from the gasoline tax imposed by KRS 138.220, or from any gasoline tax hereinafter imposed by law, is hereby appropriated out of the State Road Fund for the use of the Kentucky Aeronautics Commission in the construction and reconstruction or alterations of the airports of this state forming a part of the primary rood system of this Commonwealth.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 167, on page 2, section 3, lines 1 to 4 by striking all of lines 1 to 4, inclusive, of section 3, and inserting in lieu thereof the following:

Section 3. There is hereby appropriated out of the State Road Fund, for each of the two State Road Fund fiscal years ending March 31, 1947, and March 31, 1948, the sum of $500,000 out of the revenues paid into the State Road Fund from the gasoline tax imposed by KRS 138.220, or from any gasoline tax hereinafter imposed by law, for use of the Kentucky Aeronautics Commission in the

Said amendment was agreed to.

Mr. Myers moved that said bill be made a Special Order of the Day for February 15 at one o'clock p. m.

Said motion was disagreed to.

Mr. Myers moved that the House do now adjourn.

Said motion was disagreed to.

Mr. Creasey moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same having been engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Thos. A. Noe
F. O. Baker	E. R. Hilton	Joe E. Nunn
Harold L. Barnes	Clyde S. Howard	Louis T. Peniston
F. H. Bassett, Jr.	Maurice Howard	E. F. Prichard
W. G. Biggers	Jerry F. Howell	Wade H. Riley
B. J. Bonn	Ira W. Hulette	Kelse H. Risner
J. C. Bradley	Kerby Jennings	Amos Runyan
John Y. Brown	Paul Jonas	J. W. Simmons
Mrs. Mary Burnett	B. F. Kincaid	Luther Slusher
Chas. W. Burnley	Edgar Kitchen	Forrest Smith
Alex. H. Calvert	H. K. Lowman	P. J. Stapleton
W. K. Coleman	E. J. Lucas	Geo. W. Steinford
Fred Creasey	E. H. Martin	Ralph G. Stone
S. J. Daugherty	W. E. McClure	E. L. Thompson
Adron Doran	Jack McPherron	Walter L. Trivette
G. I. Drury	J. Lee Moore	S. J. Wagner
Forest C. Easley	Fred Morgan	Harry F. Walters
Henry J. Giles	E. C. Mullins	Geo. J. Weining
Tom Gilliam	Rodes K. Myers	Morris Weintraub
M. B. Gilligan	J. C. Newcomb	Mr. Speaker
R. M. Hall		—61

Those who voted in the negative were—

Ott Begley	W. H. Hunt	W. R. Smith
Jack Bingham	L. H. Jones	E. A. Spencer
B. K. Brantley	G. O. Kirkpatrick	L. S. Stephens
L. A. Demumbrun	Homer E. Losey	C. W. Taylor
E. R. Denny	A. L. Love	Ray G. Tipton
Bernie S. Edlin	Ed Marcum	E. N. Todd
Eck Embry	F. G. Marquette	Lyle H. Webb
R. R. Ernst	Harry L. Moore	Lawrence Wells
A. H. Eversole	Joe T. Morgan	Rodney Whitlow
Otto W. Goff	Sylvester Phillips	John Wilborn
J. J. Huff	Hobart Rayburn	—32

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this House entitled:

H. B. 56. An Act relating to county boards of supervisors of tax.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in that body, entitled:

S. B. 101. An Act relating to banks and trust companies, amending Sec. 287.290 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 287.290 of the Kentucky Revised Statutes be and the same is hereby repealed, amended and reenacted, so that as re-enacted it shall read as follows:

"287.290 (585) *Exceptions to Maximum debt to banks.*

In the case of obligations to banks and trust companies, the limitations and restrictions of KRS 287.280 shall not apply to:

(1) Obligations of the United States or of the State of Kentucky:

(2) Obligations guaranteed as to principal and interest by the United States of the State of Kentucky; or all obligations to the extent secured or covered by guarantees or by commitments or agreements to take over or to purchase the same made by any Federal Reserve Bank or by the United States or by any department, bureau, board, commission or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States; or obligations issued under authority of the Federal Farm Loan Act and its amendments or issued by the Federal home loan banks or the Home Owners Loan Corporation; or obligations

which are insured by the Federal Housing Administrator pursuant to Title 12, Section 1713, United States Code, if the debenture to be issued in payment of such insured obligations are guaranteed as to principal and interest by the United States; or obligations of national mortgage associations;

(4) Obligations of Kentucky Counties and school districts incurred through borrowing in anticipation of the current year's tax receipts as authorized by KRS 68.320 and 160.540.

S. B. 123. An Act relating to ad valorem taxation on the right to receive income, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That to the extent that the present right to receive income for the period of a life or lives, or other indeterminate period, may be held to be subject to assessment and taxation, the sole basis of the assessment value shall be fair cash value estimated at the price that the particular right to receive income in question would bring at a fair voluntary sale. The value of such a right determined on the assumption that the recipient of such income will live to some future date determined by reference to a mortality Table shall not be substituted for the fair cash value estimated at the price that the particular right to receive income will bring at a fair voluntary sale. No tax assessor, county board of supervisors, state tax commission, court or other person authorized to determine values for the purpose of assessment, shall receive or consider evidence of, or determine the assessment value by the use of Mortality Tables to estimate the period during which said right to receive income will be enjoyed.

(2) To the extent that a present right to receive income from any source for a life or lives or other indeterminate period, including the right to receive installment payments, even though for a determinate period, under the terms of a life insurance policy, payable by reason of the death of the insured, may be held to be subject to assessment for ad va-

lorem taxes, the owner or person enjoying such right on July 1st of each year shall pay a tax to the state of five cents upon each one hundred dollars of the fair cash value of his right on the assessment date, estimated at the price such right would bring at a fair voluntary sale. No other tax shall be assessed by the state or by any county, city, school district, or other taxing district on any such right, or against the holder of any such right on account thereof.

(3) No action nor proceeding shall be commenced or maintained to assess for taxation for any period prior to July 1, 1946, for ad valorem tax purposes, the present value of the right to receive future income for a life or lives, or other indeterminate period, including the right to receive installment payments, even though for a determinate period under the terms of a life insurance insurance policy, payable by reason of the death of the insured, if such right has been listed for taxation as of July 1st, 1946.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 178. An Act providing that the Clerk of the Court in which an inquest proceeding is held for the adjudication or restoration of an idiot, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be the duty of the Clerk of the Court, immediately upon the rendering of a judgment in an inquest proceeding adjudging a person to be an idiot, feeble-minded, epileptic or insane, or incompetent to manage his estate or a restoration of same, within not more than twenty-four hours thereafter to file an attested copy of said judgment in the office of the Clerk of the County Court of the County in which said judgment was rendered, which copy shall be filed and not recorded by the County Clerk but indexed in the book in which notices of action and encumbrances are indexed. For each filing the

County Clerk shall receive a fee of fifty cents which shall be taxed as costs of the inquest by the Clerk of the Court filing same; provided, however, should the person adjudged be without any estate, or a pauper, the County Clerk shall receive file and index said judgment without the payment of any fee.

Unless a copy of said judgment is filed in said County Clerk's Office, the judgment shall not constitute notice to any subsequent bona fide purchaser for value, mortgagee, or encumbrancer.

Any Clerk or Deputy Clerk of any Court charged with the duty provided for in this act, who fails to perform said duty shall be fined not less than twenty-five ($25.00) dollars nor more than fifty ($50.00) dollars for each offense.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Forest C. Easley	Ed Marcum
F. O. Baker	Bernie S. Edlin	F. G. Marquette
Harold L. Barnes	Eck Embry	E. H. Martin
F. H. Bassett, Jr.	R. R. Ernst	W. E. McClure
Ott Begley	Henry J. Giles	Jack McPherron
Jack Bingham	Tom Gilliam	Harry L. Moore
B. J. Bonn	M. B. Gilligan	J. L. Moore
J. C. Bradley	Otto W. Goff	Joe T. Morgan
B. K. Brantley	Harold G. Helm	E. C. Mullins
John Y. Brown	Jerry F. Howell	Thos. A. Noe
Mrs. Mary Burnett	Ira W. Hulette	Joe E. Nunn
Chas. W. Burnley	Paul Jonas	Louis T. Peniston
W. K. Coleman	B. F. Kincaid	Sylvester Phillips
S. J. Daugherty	G. O. Kirkpatrick	L. W. Preston
L. A. Bemumbrun	Edgar Kitchen	Kelse H. Risner
E. R. Denny	Homer E. Losey	Amos Runyan
Adron Doran	E. J. Lucas	J. W. Simmons

Luther Slusher	Ralph G. Stone	S. J. Wagner
Forrest Smith	C. W. Taylor	Geo. J. Weining
W. R. Smith	E. L. Thompson	Morris Weintraub
E. A. Spencer	Ray G. Tipton	Rodney Whitlow
Geo. W. Steinford	E. N. Todd	John Wilborn
L. S. Stephens	Walter L. Trivette	—68

Those who voted in the negative were—

Alex. H. Calvert —1

Resolved that the title thereof be as aforesaid.

Mr. Stone moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Steinford moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon, Mr. Steinford of the Committee on Charitable and Penal Institutions to which the same had been referred, reported a bill entitled:

H. B. 8. An Act relating to public assistance.

With a Committee Amendment thereto by way of Substitute therefor.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Losey moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 14, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by Father O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson
Roy W. Arnold
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
Alex. H. Calvert
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
Geo. J. Weining
Morris Weintraub
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Ralph Homan, Executive Secretary, appeared upon the floor of the House and sent to the Clerk's Desk the following message from the Governor:

To the House of Representatives:

I have received a copy of H. R. 20 offered by Mr. Stapleton, of Campbell County, and adopted by the House on January 18, 1946.

The request for a more equitable representation of the entire state, and particularly of Northern Kentucky, on the Post-War Advisory Planning Commission, is noted.

The work of that Commission has been advanced to the point of disseminating its findings and recommendations among all the people of the State. No part of the State has been discriminated against, but every part of the State has been served.

The matter of geography was not the basis of selection of the members. The men whose acceptances could be obtained were chosen because of their standing in their respective fields of activity. We sought the men best qualified to do the work, and who were willing to make the sacrifice for the public good. They gave their time and labor, and paid their own expenses, in order to promote the welfare of Kentucky. Each of these men has a state-wide reputation and commands the respect of the whole state. The sub-committees were appointed for the same reasons, and many able men contributed their time and talents to the fine work that was done.

I do not see how it would be possible to select men representative of the various activities of the State on the basis of residence alone. Talent must be used where it is found. You will observe by a study of the Report that many able and talented men from all parts of the State shared in the labors and sacrifices of the producing of this report.

If the House, or the author of the Resolution, will give me the names of persons equal to the standard required, and

will assist in carrying on the work, I shall be most happy to appoint them, and their aid will be welcome.

On page 312 of the Final Report, copy of which was presented to each member of the House, you will find a statement of the remaining work of the Commission. For your convenience, I repeat it here:

"Continuing functions of the Commission. The most important function of the Commission is to see that its recommendations are translated into an effective program. Many valuable and extensive reports of a planning nature have died in this and other States for lack of follow-through. To avoid this untimely circumstance in our own case, we must make our influence felt widely and strongly. Your Chairman will endeavor to represent the spirit of the Commission until its job is complete or adequately handled by a permanent state research department under competent direction. The membership of the Commission is such that it is in an unparalleled position to measure the accomplishment of the program in its formative and mature stages. Your Chairman urges a sustained and wholehearted interest on the part of every member, in the critical meetings to come. Each report will bear the closest scrutiny and constructive criticism. Decisions must be clear-cut and immediate. Our time is short, our job is large; our audience is hopeful but reservedly critical. Already we have heard predictions of failure; of petering out. Against this, your Chairman seeks the utmost resolution and perserverance of the membership of the Commission.

In my message to you on January 8, I suggested a plan for the continuation of this excellent work which I commend to your most earnest consideration. The work of these men deserves the thanks and appreciation of the people of Kentucky, and I trust that great good to Kentucky may reward their labors and self-sacrifice.

Respectfully,

Simeon Willis, *Governor.*

Frankfort, Kentucky
February 13, 1946

Mr. Steinford moved that the privilege of the floor be extended to Mr. H. Clay Kaufman, former member of this House from the county of Garrard.

Said motion was agreed to.

The Committees to which the same had been referred reported bills of the following titles, viz.:

By Mr. J. Lee Moore of the Committee on Revenue and Taxation.

H. B. 128. An Act relating to ad valorem taxation of the right to receive income.

H. B. 62. An Act relating to inheritance taxes, including provisions as to taxation of contracts in contemplation of death and proceeds of life insurance policies.

By Mr. Burnley of the Committee on Ways and Means, to which the same had been recommitted.

H. B. 36. An Act relating to the reinstatement of veterans in the State service.

With a Committee Amendment thereto by way of Substitute therefor.

Ordered that said bill be placed in the Orders of the Day.

By Mr. Stapleton of the Committee on Insurance, Life and Casualty.

H. B. 214. An Act relating to claims against a decedent's estate.

By Mr. Clyde Howard of the Committee on Suffrage and Elections.

H. B. 151. An Act to repeal, amend and re-enact Sec. 117.140, KRS 1944, relating to fees allowed county clerks.

With a Committee amendment thereto.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time, with the exception of the one specifically set out above, and ordered to be placed on the Calendar.

By Mr. Stapleton of the Committee on Insurance, Life and Casualty.

H. B. 101. An Act concerning embalmers and funeral directors.

By Mr. Todd of Committee on Roads and Highways No. 1.

H. B. 251. An Act to require the furnishing of certain conveniences for the protection of blind pedestrians.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 56. An Act relating to county boards of supervisor of tax.

H. B. 66. An Act relating to motor vehicles, motor trucks and semi-trailers.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid, delivered the original and enrolled copies of said bills duly signed by the

President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hammons moved that he be granted unanimous consent of the House to withdraw a bill entitled:

H. B. 262. An Act relating to insurance agents.

Without objection, said motion was agreed to and said bill was withdrawn by Mr. Hammons.

Upon a call of the Counties and Legislative Districts, the following bills and resolution were introduced, viz.:

By Messrs. Walters and Denney.

H. B. 346. An Act to regulate the practice of public accountants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SEC. 1. NAME. This Act may be cited as the "Public Accounting Act of 1946."

SEC. 2. BOARD OF ACCOUNTANCY. There is hereby created a State Board of Accountancy in and for the State of Kentucky. The Board shall consist of three members, appointed by the Governor. Whenever an appointment is to be made the Kentucky Society of Certified Public Accountants shall submit to the Governor the names of three persons qualified for membership on the Board and the Governor shall appoint one of the three. Members of the Board shall be citizens of the United States and residents of this State who hold certified public accountant certificates issued

under the laws of this State and who are in active practice as certified public accountants. The members of the Board first to be appointed shall hold office, one for one year, one for two years, and one for three years, from the effective date of this Act, the term of each to be designated by the Governor. Their successors shall be appointed for terms of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office a member shall continue to serve until his successor shall have been appointed and shall have qualified. The Governor shall remove from the Board any member whose permit to practice is not renewed or which has become void, revoked or suspended, and may, after hearing, remove any member of the Board for neglect of duty or other just cause.

The Board shall elect annually a president, a secretary and a treasurer from its members. The office of secretary and treasurer may be held by the same individual. The Board may adopt, and amend from time to time, regulations for the orderly conduct of its affairs and for the administration of this Act. The Board may also promulgate, and amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accounting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of its proceedings, and in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this Act, copies of said records certified as correct under the seal of the Board shall be admissible in evidence as tending to prove the content of said records. The Board shall have printed and published for public distribution, in July of each year, an annual register which shall contain the names, arranged alphabetically by classifications, of all individuals and partnerships holding permits to practice under this Act; the names of the members of the Board; and such other matters as may be deemed proper by the Board. Copies of said registers shall be mailed to each registered practitioner. The Board may employ

clerks and arrange for assistance in the performance of its duties.

Each member of the Board shall be paid ten dollars for each day spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses therein incurred.

All fees and other monies received by the Board pursuant to the provisions of this Act shall be paid to the treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Board. No part of this revolving fund shall revert to the general funds of this State. The compensation provided by this Act and all expenses incurred under this Act shall be paid from this revolving fund. No such compensation or expense shall be a charge against the general funds of this State. The Board shall file an annual report of its activities with the Governor, and such report shall include a statement of all receipts and disbursements.

SEC. 3. CERTIFIED PUBLIC ACCOUNTANTS. The certificate of "certified public accountant" shall be granted by the Board to any person (a) who is a citizen of the United States or who has duly declared his intention of becoming such a citizen, and (b) who is a resident of this State or who has a place of business or is employed therein, and (c) who has attained the age of twenty-three years, and (d) who is of good moral character, and (e) who is either:

(1) A graduate of a college or university recognized by the Board, and who has completed thirty or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty semester hours or the equivalent thereof shall be in the study of accounting, and who has been engaged in practice as a public accountant, or in the employ of a public accountant or of a certified public accountant for two years preceding the date of application, or

(2) A graduate of a college or university recognized by the Board, but who has not completed the hours of study and subjects specified in subdivision (1) of this section, and who

has been engaged in practice as a public accountant, or in the employ of a public accountant or of a certified public accountant, for three years preceding the date of application, or

(3) A graduate of a high school with a four-year course or who has had an equivalent education, and who has been in practice as a public accountant, or in the employ of a public accountant, or of a certified public accountant, for at least six years preceding the date of application, and (f) who shall have successfully passed a written examination in theory of accounts, in accounting practice in auditing, in commercial law as affecting public accounting and in such other related subjects as the Board may deem advisable. Any person licensed to practice law in this State need not be examined with respect to such commercial law.

Examinations provided for herein shall be held by the Board as often as may be necessary in the opinion of the Board, but not less frequently than once each year. A candidate for the certificate of "certified public accountant" who fails in all subjects shall have the right to any number of re-examinations. A candidate who passes a satisfactory examination in any subject shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the Board, and if he passes in the remaining subjects within a period of time specified in the rules of the Board, he shall be considered to have passed the examination. The Board shall charge each candidate a fee of $25 for the initial examination. This fee shall be payable by the candidate at the time of making application for examination. Should the candidate fail to pass the examination, re-examinations will be given the same candidate for an additional fee of $10 for each examination irrespective of the number of subjects therein covered.

Any individual who has received from the Board a certificate of "certified public accountant" and who holds an annual permit to practice issued under sec. 8 of this Act shall be styled and known as a "certified public accountant" and may also use the abbreviation "CPA." The Board shall keep a list of certified public accountants. Any certified

public accountant may also be known as a "public accountant."

Individuals who at the time of the enactment of this Act held certified public accountant certificates heretofore issued under the laws of this State shall not be required to secure additional certificates under this Act, but shall otherwise be subject to all of its provisions; and such certificates heretofore issued shall, for all purposes, be considered certificates issued under this Act and subject to all of its provisions.

The Board may in its discretion waive the examination of, and may issue a certificate as "certified public accountant" to, any person possessing the other qualifications mentioned in this section who is the holder of a certificate as certified public accountant issued under the laws of any state.

SEC. 4. REGISTRATION OF FOREIGN ACCOUNTANTS. The Board may, in its discretion, permit the registration of any person of good moral character who is the holder of a certificate, license, or degree authorizing him to practice public accounting in a foreign country. A person so registered shall use only the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

SEC. 5. PARTNERSHIPS COMPOSED OF CERTIFIED PUBLIC ACCOUNTANTS — REGISTRATION THEREOF. A partnership engaged in this State in the practice of public accounting may register with the Board as a partnership of certified public accountants provided it meets all of the following requirements:

(a) At least one general partner thereof must be a certified public accountant of this State in good standing, and

(b) Each partner thereof personally engaged within within this State in the practice of public accounting as a member thereof must be a certified public accountant of this State in good standing, and

(c) Each partner thereof must be a certified public accountant of some state in good standing, and

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant of this

State in good standing. Application for such registration must be made upon the affidavit of a general partner of such partnership who is a certified public accountant of this State in good standing. The Board shall in each case determine whether the applicant partnership is eligible for registration. A partnership which is so registered and which holds a permit issued under sec. 8 of this Act may use the words 'certifield public accountants'' or the abbreviation ''CPA's'' in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

SEC. 6. PUBLIC ACCOUNTANTS — REGISTRATION THEREOF. Any person (a) who is a resident of this State, or has a place of business, or is employed therein, and (b) who has attained the age of twenty-one years, and (c) who is of good moral character, and (d) who meets the requirements of subdivision (1) or (2) or (3) of this section, may register as a public accountant with the Board on or before the first day of July, 1946.

(1) Persons who held themselves out to the public as public accountants and who were engaged within this State at the effective date of this Act in the practice of public accounting as their principal occupation.

(2) Staff accountants employed by certified public accountants or by public accountants and regularly assigned to accounting engagements at the effective date of this Act.

(3) Persons serving in the armed forces of the United States or any of the United Nations who immediately prior to entering such service held themselves out to the public as public accountants and were engaged in the practice of public accounting as the principal occupation, or who were employed as staff accountants by certified public accountants or by public accountants and regularly assigned to accounting engagements. In the case of any such person serving in the armed forces of the United States or any of the United Nations on the effective date of this Act, the time for registration shall be extended for a period of twelve months from the time such person is honorably discharged from such service.

The board shall in each case determine whether the applicant is eligible for registration. Any individual who is so registered and who holds a permit issued under sec. 8 of this Act shall be styled and known as a "public accountant."

SEC. 7. PARTNERSHIPS COMPOSED OF PUBLIC ACCOUNTANTS-REGISTRATION THEREOF. A partnership engaged in this State in the practice of public accounting may register with the Board as a partnership of public accountants provided it meets all of the following requirements:

(a) At least one general partner thereof must be a certified public accountant or a public accountant of this State in good standing, and

(b) Each partner thereof personally engaged within this State and in the practice of public accounting as a member thereof must be a certified public accountant or a public accountant of this State in good standing, and

(c) Each resident manager in charge of an office of a firm in this State must be a certified public accountant or a public accountant of this State in good standing. Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a permit to practice in this State as a certified public accountant or as a public accountant. The Board shall in each case determine whether the applicant partnership is eligible for registration. A partnership which is so registered and which holds a partnership permit issued under sec. 8 of this Act may use the words "public accountants" in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

SEC. 8. ANNUAL PERMITS TO PRACTICE. Permits to engage in the practice of public accounting in this State shall be issued by the Board to holders of a certificate of "certified public accountant" issued under sec. 3 of this Act and to individuals and partnerships registered under sections 4, 5, 6, and 7 of this Act. There shall be a fee of $10.00 for the original permit. All permits shall expire on the 1st day of July of each year, but may, annually, be renewed for a period

of one year, by certificate holders and registrants in good standing upon the payment of an annual renewal fee of $5.00. Failure to renew a permit before expiration thereof shall not deprive a certificate holder or a registrant of the right to renewal, in such cases a renewal fee of $10.00 shall be paid.

SEC. 9. REVOCATION OR SUSPENSION OF CERTIFICATE, OR REGISTRATION, OR PERMIT. After notice and hearing as provided in sec. 11 of this Act, the Board may revoke or suspend any certificate issued under sec. 3 of this Act, or any registration granted under sec. 6 of this Act, or may revoke, suspend or refuse to renew any permit issued under sec. 8 of this Act, or may censure the holder of any such permit, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under this Act, or in obtaining a permit to practice public accounting under this Act.

(b) Dishonesty, fraud or negligence in the practice of public accounting.

(c) Violation of any of the provisions of sec. 13 of this Act.

(d) Repeated violation of a rule of professional conduct promulgated by the Board under the authority granted by this Act, after warning by the Board that such continued violation will constitute grounds for proceedings hereunder.

(e) Conviction of a felony under the laws of any state or of the United States.

(f) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States.

(g) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(h) Suspension or revocation of the right to practice before any state or federal agency or court.

(i) Failure to become a citizen of the United States within six years by any person not a citizen of the United

States when he received a certificate as certified public accountant under this Act.

SEC. 10. REVOCATION OR SUSPENSION OF PARTNERSHIP REGISTRATION OR PERMIT. After notice and hearing as provided in sec. 11 of this Act the Board shall revoke the registration and permit to practice of a partnership if at any time it does not have all the qualifications prescribed by the section of this Act under which it qualified for registration.

After notice and hearing as provided in sec. 11 of this Act the Board may revoke or suspend the registration or may revoke, suspend or refuse to renew the permit to practice of a partnership or may censure the holder of any such permit for any of the causes enumerated in sec. 9, and for the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership of any partner thereof to practice public accounting in any other state.

SEC. 11. HEARING BEFORE BOARD-NOTICE-PROCEDURE-REVIEW. (a) Commencement of Proceeding. The Board may initiate proceedings under this Act either on its own motion or on the complaint of any person.

(b) Notice-Service and Contents. A written notice stating with reasonable particularity the nature of the charge and such acts of professional misconduct as are complained of against the accused and the time and place of the hearing before the Board on such charges shall be served on the accused not less than 30 days prior to the date of the hearing either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the Board.

(c) Failure to Appear. If, after having been served with the notice of hearing as provided for herein, the accused fails to appear at said hearing, the Board may hear evidence against him and may enter such order as shall be justified by the evidence, which order shall be final unless he petitions for a review thereof as provided herein: Provided, however, that

within 30 days from the date of any order, upon a showing of good cause for failing to appear, the Board may reopen said proceedings and may permit the accused to submit evidence in his behalf.

(d) Counsel-Witnesses-Cross-examination. At any hearing the accused may appear in person or by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses, and examine such evidence and documents as may be produced against him. The accused shall be entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his behalf.

(e) Subpoenas-Oaths. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof and receive exhibits in evidence in connection with or at the hearing under this Act. In case of disobedience to a subpoena the Board may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

(f) Evidence. The Board shall not be bound by technical rules of evidence.

(g) Record. A stenographic record of the hearing shall be kept and a transcript thereof filed with the Board.

(h) Attorney for the Board. At all hearings the Attorney General of this State, or one of his assistants designated by him shall appear and represent the Board.

(i) Decision. The decision of the Board shall be by majority vote thereof.

(j) Review by Court. Any person adversely affected by any order of the Board may obtain a review thereof by filing a written petition for review with the Franklin Circuit Court within 60 days after the entry of said order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the Board be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Board and thereupon the Board shall certify and file in the Court a transcript

of the record upon which the order complained of was entered. The case shall then be tried de novo on the record but the parties shall be permitted to file briefs. The Court may affirm, modify or set aside the Board's order in whole or in part, or may remand the case to the Board for further evidence, and may in its discretion, stay the effect of the Board's order pending its determination of the case. The Court's order shall have the force and effect of a decree in equity and may be appealed from to the Court of Appeals.

SEC. 12. REINSTATEMENT. The Board may reissue the certificate of any certified public accountant whose certificate shall have been revoked, or may permit the re-registration of any person whose registration has been revoked, or may reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended.

SEC. 13. ACTS DECLARED UNLAWFUL. (a) No person shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under sec. 3 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, provided, however, that a foreign accountant who has registered under the provisions of sec. 4 of this Act, and who holds a permit issued under sec. 8 of this Act, and which has not been revoked or suspended, may use the title under which he is generally known in his own county, followed by the name of the country from which he received his certificate, license or degree.

(b) No partnership shall assume or use the title or designation "certified public accountants" or the abbreviation "CPA's" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership is composed of certified public accountants unless such partnership is registered as a partnership of certified public accountants under sec. 5 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(c) No individual shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant, unless such person is registered as a public accountant under sec. 6 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, or unless such person has received a certificate as a certified public accountant under sec. 3 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(d) No partnership shall assume or use the title or designation "public accountants" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of public accountants, unless such partnership is registered as a partnership of public accountants under sec. 7 of this Act or as a partnership of certified public accountants under sec. 5 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(e) No individual, partnership or corporation shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," or any other title or designation likely to be confused with "certified public accountant" and "public accountant," or any of the abbreviations "CA," "PA," "EA," "RA," or "LA," or similar abbreviations likely to be confused with "CPA," provided, however that a foreign accountant who has registered under the provisions of sec. 4 of this Act, and who holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

(f) No individual shall affix his signature, with any wording indicating that he is an accountant or auditor, or with any wording indicating that he has expert knowledge in accounting or auditing to any accounting or financial statement, or to any opinion on, report on or certificate to any accounting or financial statement, unless he holds a permit is-

sued under sec. 8 of this Act which has not been revoked or suspended, provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

(g) No individual shall sign or affix a partnership name, with any wording indicating that it is a partnership composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement, unless the partnership holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(h) No individual shall sign or affix a corporate name, with any wording indicating that it is a corporation performing services as accountants or auditors or composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement.

SEC. 14. EXCEPTIONS—ACTS NOT PROHIBITED. Nothing contained in this Act shall prohibit any individual not a certified public accountant or public accountant from serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership composed of certified public accountants or public accountants holding a permit to practice under sec. 8 of this Act; provided that such employee or assistant shall not issue any accounting or financial statement over his name.

Nothing contained in this Act shall prohibit a certified public accountant or a registered public accountant of another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice

therein, from temporarily practicing in this state on professional business incident to his regular practice.

SEC. 15. INJUNCTION AGAINST UNLAWFUL ACT. Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of sec. 13 of this Act, the Board may make application to the Franklin Circuit Court for an order enjoining such acts or practices, and upon a showing by the Board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. The same shall be enforceable and shall be valid anywhere in this State and shall be reviewable as provided in the code of Civil Practice in the case of other injunctions and restraining orders.

SEC. 16. MISDEMEANORS—PENALTY. Any person who violates any provision of sec. 13 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or to imprisonment for not more than one year, or to both such fine and imprisonment. Whenever the Board has reason to believe that any person is liable to punishment under this section it may certify the facts to the Attorney General of this State, who may, in his discretion, cause appropriate proceedings to be brought.

SEC. 17. SINGLE ACT EVIDENCE OF PRACTICE. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "public accountant" shall be prima facie evidence in any action brought under sec. 15 or sec. 16 of this Act that the person whose name is so displayed, caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device, and that such person is holding himself or itself out to be a certified public accountant or a public accountant holding a permit to practice under sec. 8 of this Act. In any such action evi-

dence of the commission of a single act prohibited by this Act shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

SEC. 18. OWNERSHIP OF ACCOUNTANTS' WORKING PAPERS. All statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients by such certified public accountant or public accountant, except reports submitted by a certified public accountant or public accountant to a client, shall be and remain the property of such certified public accountant or public accountant, in the absence of an express agreement between the certified public accountant or public accountant and the client to the contrary.

SEC. 19. EXEMPTION FROM JURY SERVICE. An individual holding a permit issued under sec. 8 of this Act shall be exempt from service on any jury.

SEC. 20. PRIVILEGED COMMUNICATION. A certified public accountant or public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as such.

SEC. 21. DEFINITIONS. (1) Board—The term "Board" when used in this Act means the "State Board of Accountancy" created by sec. 2 of this Act.

(2) State—The term "state" when used in this Act includes and means any state, territory or insular possession of the United States, or the District of Columbia.

SEC. 22. CONSTRUCTION. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 23. REPEAL PROVISIONS. Sections 325.010 to 325.990 both inclusive of Kentucky Revised Statutes and all other acts or parts of acts in conflict herewith are hereby repealed: Provided, however, that nothing in this Act contained shall invalidate or affect any action taken under any law in effect prior to the effective date hereof, nor shall in-

validate or affect any proceeding instituted under such law before the effective date hereof.

By Mr. Creasey.

H. B. 347. An Act regulating and providing for the licensing of manufacturers, wholesalers, jobbers and retailers of foods and drugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act unless the context requires otherwise:

(1) "Retailer" means any person who sells food or drugs at retail to consumers.

(2) "Wholesaler" or "jobber" means any person who sells or distributes foods or drugs to retail outlets for purpose of retail to consumers.

(3) "Manufacturer" means any person who makes, processes or packages foods or drugs for sale or distribution through wholesale or retail outlets to consumers, but does not include a person who merely grows food products.

§ 2. No person shall engage in business in this state as retailer, wholesaler, jober or manufacturer until he has paid the license tax prescribed by Section 3 of this Act and has obtained a license therefor. A separate license shall be required for each premises on which business is carried on.

§ 3. There shall be the following kinds of licenses, the annual fee for which shall be:

(1)	Food Retailer,	$ 1.00
(2)	Drug Retailer,	1.00
(3)	Food Wholesaler or Jobber	25.00
(4)	Drug Retailer or Jobber,	25.00
(5)	Food Manufacturer,	100.00
(6)	Drug Manufacturer,	100.00

§ 4. The license year shall begin on July 1 of each year and expire on June 30 of the following year. Any person who

is engaged in business during less than the license year shall nevertheless be required to pay the full annual license fee.

§ 5. (1) A food retailer's license shall authorize the licensee to engage in the business of food retailer only at the licensed premises only.

(2) A drug retailer's license shall authorize the licensee to engage in the business of a drug retailer only at the licensed premises only.

(3) A food wholesaler's or jobber's license shall authorize the licensee to engage in the business of food wholesaler or jobber only from the licensed premises only.

(4) A drug wholesaler's or jobber's license shall authorize the licensee to engage in the business of drug wholesaler or jobber only from the licensed premises only.

(5) A food man manufacturer's license shall authorize the licensee to engage in the business of food manufacturer only from the licensed premises only.

A drug manufacturer's license shall authorize the licensee to engage in the business of drug manufacturer only from the licensed premises only.

§ 6. (1) Except as provided in subsection (2), (3), (4) and (5) of this section, each kind of license listed in Section 3 of this Act shall be inconsistent with every other kind listed in that section and no person holding a license of any of those kinds shall apply for or hold a license of another kind listed in that section.

(2) The holder of any license relating to food may also hold the corresponding license relating to drugs.

(3) Any person may hold two or more licenses of the same kind.

(4) A person holding a food manufacturer's license whose business solely consists of that of meat packer, may also hold a wholesaler's or jobber's license.

(5) A holder of a food manufacturer's license whose business consists solely of a bakery business may also hold a retailer's food license for the same premises for which the manufacturer's license is issued.

§ 7. This Act shall be administered by the Department of Revenue which shall have authority to make all necessary

rules and regulations for administration and enforcement and enforcement.

§ 8. Any person who violates any provision of this Act shall be fined not more than one thousand dollars for each offense, and each day that a person engages in business in violation of this Act shall constitute a separate offense.

By Mrs. Burnett.

H. B. 348. An Act relating to practical nurses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context requires otherwise:

"Board" means the Kentucky State Board of Nurse Examiners.

Sec. 2. No person shall practice or hold himself out as a trained or licensed attendant or practical nurse without having obtained a license as provided in this Act.

Sec. 3. (1) An applicant for a license shall furnish satisfactory evidence that he is at least nineteen years of age, of good moral character, and has had at least one year of high school or its equivalent, and has completed a course of not less than nine months in a hospital with a daily census of not less than forty persons and which has been accredited for the training of attendants by the board.

(2) On recommendation of the board, an attendant may be licensed without an examination providing he meets the requirements of subsection (1) of this section as to age and character and has lawfully and reputably practiced nursing for a period of not less than two years, in those years immediately prior to July 1, 1946. Such applicant shall have been a resident of Kentucky for one year and shall make application in writing on forms furnished by the board before July 1, 1947.

Sec. 4. (1) The board shall meet for the purpose of holding examinations not less than once in each year at a

time and place determined by it. It may adopt rules for its government and for examination of applicants for licenses in accordance with this Act. Notices of such meetings of the board shall be published in two newspapers of general circulation. Notices shall be sent by mail to every applicant after applications are received, and to every accredited school for training attendants in this state, at least thirty days before the meeting. At the meeting the board shall examine all applicans for licenses, and issue a license to each qualified applicant who has complied with this Act and passed the examination to the satisfaction of the majority of the board.

(2) Examinations for licensed attendants shall be wholly or in part in writing, and shall include the principles and practice of nursing and limited to such subjects as are included in the curriculum used by the board, and shall be sufficiently thorough to test the applicant's fitness to practice.

Sec. 5. (1) A license fee of five dollars payable to the secretary-treasurer of the board shall accompany every application for license. Every licensee shall pay to the secretary-treasurer a renewal fee of one dollar annually thereafter. Failure to pay the renewal fee in one year after its due date shall work a forfeiture of the license.

(2) Any attendant who has forfeited his license by nonpayment of dues, and who has not practiced nursing for a period of two years or a substantial part of said time, shall be reinstated without examination upon the payment of dues in arrears not to exceed the total sum of five dollars and by attending an accredited attendant training school for a period of not less than four weeks.

(3) Any attendant possessing a license under the provision of this Act, but who failed to pay the annual renewal fee, and who has continuously performed duties of an attendant in the hospital under the supervision of practicing physicians, shall be reinstated without examination upon sworn affidavit signed by the director of the nursing service in the hospital or two or more practicing physicians who supervised his nursing duties and upon payment of the fees

in arrears, in no case, however, is the aggregate to exceed the total sum of five dollars.

Sec. 6. No person shall willfully make any false representation to the board in applying for a license.

Sec. 7. The board may refuse, suspend or revoke a license for any of the following causes:

(1) Presentation to the board of any license, certificate or diploma which was illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

(2) Chronic or persistent inebrity or addiction to a drug habit that disqualifies the applicant to practice with safety to the public.

(3) Any act of dishonesty, gross incompetency or any act derogatory to the standing or morals of the attendant group, or any other grossly unethical or dishonorable conduct of a character likely to deceive or defraud the public.

Sec. 8. (1) Every license issued by the board shall be signed by the president and the secretary-treasurer, and have the seal of the board affixed.

(2) A licensee shall be prepared to exhibit his license or a certified copy of it whenever required.

Sec. 9. (1) In all proceedings for suspension or revocation, the licensee shall be furnished with a copy of the charges and shall be given at least thirty days to prepare a defense.

(2) He shall be heard by the board in person or counsel or both, as he desires. The president and secretary-treasurer of the board may administer the oath in any matter arising in the course of their duties. In the hearing the board may take oral or written proof for or against the complaint.

Sec. 10. (1) The board shall employ the necessary personnel to carry out the provisions of this Act and shall fix their salaries.

(2) The board may enact any necessary by-laws to enforce the provisions of this Act, not in conflict with the laws of this state, and shall prosecute any person violating this Act.

(3) The board shall have full discretion to determine whether any hospital or infirmary with which any applicant

is connected furnishes the proper training. If it considers that it does not give proper training it may refuse to grant a license to any applicant from it.

(4) Fees accruing from licensed attendants shall be used for carrying on the program set up by this Act.

Sec. 11. Any person who has been licensed under this Act shall be styled and known as a licensed attendant, and may append the letters "L.A." to his name.

Sec. 12. Any license issued under the laws of another state requiring a standard similar to that required under this Act shall be recognized by the board as valid in this state if licenses issued in this state are recognized in that state. Any attendant holding a license from another state recognized by the board may be registered in this state without examination on payment of a fee of five dollars.

Sec. 13. This Act shall not affect or apply to nursing of the sick, either gratitously or for compensation by a member of a family, or to a person nursing the sick who does not in any way assume to be or hold himself out as discharging the duties of a licensed attendant.

Sec. 14. Any person who violates any provision of this Act shall be fined not less than five dollars nor more than ten dollars. Each day he violates any provision of this Act shall be considered a separate offense.

By Mr. Bingham.

H. B. 349. An Act relating to cities of the fourth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city council of a city of the fourth class may remove any city employe for cause, after an opportunity for a public hearing has been granted.

By Mr. Gilliam.

H. B. 350. AN Act relating to county road engineers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A new section of the statutes is created, to be numbered KRS 179.025 and to read as follows:

(1) In every county which has available, from all sources for expenditure for construction and maintenance of county roads and bridges $40,000.00 or more per year, the county judge shall appoint a county road engineer. No person shall be appointed as such county road engineer unless he is a registered professional engineer. The engineer shall receive a salary commensurate with the prevailing scales of compensation for registered professional engineers, to be fixed by the fiscal court and paid out of the county funds. Such engineer shall have engineering supervision of all operations pertaining to the construction or maintenance of county roads and bridges.

(2) In any county coming within the provisions of this section which does not, at the time this Act takes effect, have a county road engineer, such an engineer shall be appointed forthwith, for a term which shall expire on January 1 of the next even-numbered year, and thereafter the engineer shall be appointed for two-year terms. Each appointee shall serve until his successor is appointed and qualified.

(3) In any county coming within the provisions of this section which, at the time this Act takes effect, has a county road engineer who has been approved by the Department of Highways, such engineer may continue in office until the expiration of the term for which he was appointed, even though he is not a registered professional engineer and if he has served as an approved county road engineer for at least five years prior to the time this Act takes effect he may be reappointed for succeeding terms. In such counties a registered professional engineer shall be appointed upon the expiration of the term of the engineer in office at the time this Act takes effect, or in the case of the engineer who has served five years or more, when he resigns, fails to be reappointed, or otherwise terminates his office. The term of the registered engineer so appointed, and of his successors, shall be the same as provided in subsection (2) of this section.

Sec. 2. Subsection (1) of Section 179.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any county which is not required by law to have a county road engineer, the county judge may, with the consent of the fiscal court, appoint a county road engineer. The person appointed shall be either:

(a) A reputable civil engineer; or

(b) A man who has had practical experience as a road supervisor or builder for two years and who has passed an examination given by the Department of Highways.

Sec. 3. Section 322.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) Neither the state nor any of its political subdivisions shall engage in the construction of any public work involving engineering, unless the plans, specifications and estimates have been prepared and the construction executed under the direct supervision of a licensed engineer or a licensed architect.

(2) Subsection (1) of this section shall not apply to any public work in which contemplated expenditure for the completed project does not exceed two thousand dollars or to the mainenance or repair of any exising state or county highway, except as provided in KRS 179.025 with respect to county road engineers.

By Mr. Steinford.

H. B. 351. An Act relating to the indexing of county records.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties having a courthouse district as provided in KRS 382.210, the fiscal court in each county containing a city of the second class may in its discretion direct the county clerk to have made in books prepared for that purpose general indexes of the records of all the real property in

the county according to a system approved by the fiscal court. The county clerk shall advertise for bids for all the work necessary to install the system under specifications approved by the county judge and shall, with the approval of the fiscal court, enter into a contract with the lowest and best bidder for the work, after requiring him to give bond for the faithful performance of the contract in a sum to be fixed by the fiscal court and approved by the county judge, and when the work has been completed to its satisfaction, the fiscal court shall direct the payment agreed upon out of the general fund of the county.

(2) When general indexes are completed, they shall constitute the official indexes and the clerk of the county shall keep the indexes up to date by indexing therein the records of all real property within one month from the time they are lodged for record, and when so indexed the alphabetical cross-index of such instruments need no longer be preserved, and when such records or any part of them become defaced or injured the clerk shall transcribe the defaced or injured records into new books, which shall be as valid in law as the original record.

(3) In order that such additional indexes may be kept correctly and accurately, the fiscal court may employ a competent person to keep the system of indexing and shall pay such person a sum not to exceed $3,600 per annum, out of the general funds of the county.

(4) The indexer provided for in subsection (3) of this section shall, before entering upon the discharge of his duties, take the constitutional oath of office, and execute bond in the sum of $25,000 with surety approved by the Fiscal court.

By Mr. Steinford.

H. B. 352. An Act relating to deputy clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) In each county containing a population of 75,000 or more, the number of deputies allowed to circuit clerks and county clerks, and the compensation allowed to each deputy, shall be fixed, as provided in subsections (2), (3), (4) and (5) of this section, by an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) (a) In counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salaries of the other deputy circuit clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(b) In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 per annum, and the salaries of the first two deputy circuit court clerks shall be fixed at reasonable amounts not to exceed at $2,500 per annum. The salaries of the other deputy circuit court clerks shall be fixed at reasonable amounts not to exceed $2,000 per annum.

(c) In counties having a population of 200,000 or over the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 a year, and the salary of one deputy circuit court clerk who shall act as cashier shall be fixed at a reasonable amount not exceeding $2,500 a year, and the salary of each of the other deputies in the office of the circuit court clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

(3) In counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $2,500 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(4) In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy county court clerk shall be fixed at a reasonable amount not exceeding $3,600 per annum and the salaries of the next four deputy county court clerks shall be fixed at reasonable amounts, which need not be the same, and none which shall exceed $3,000 per annum. The salaries of each of the other deputy county court clerks in such counties shall be fixed at a reasonable amount not exceeding $2,400 per annum.

(5) In counties having a population of 200,000 or over the salaries of the first four deputy county clerks shall be fixed at a reasonable amount not exceeding $3,000 a year and the salary of each of the other deputies in the office of the county clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

By Messrs. Hilton and Weintraub.

H. B. 353. An Act relating to traffic regulations and equipment of vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, subsection (2) of KRS 189.370, KRS 189.380, subsections (1), (2) and (4) of KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor

more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

By Mr. Bonn.

H. B. 354. An Act relating to compensation of the County Tax Commissioner and deputies in counties containing a city of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of the Kentucky:

Section 132.630 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The county tax commissioner in counties containing a city of the first class shall annually, in January, report to the Department of Finance under oath the amount received by him for deputies or assistants, giving the amounts paid sources during the preceding year, and the amounts paid out by him for deputies or assistants, giving the amounts paid to each and for expenses of his office. If it appears from this statement that he received as compensation on account of his office, from all sources, more than five thousand dollars after the payment of his deputies and assistants and all the expenses of his office, he shall, with such statement, pay to the Department of Finance the amount so received in excess of five thousand dollars.

(2) The annual salary of the deputy county tax commissioners, appraisers and draftsmen shall be fixed by the county judge by an order entered of record. The salary of the chief deputy shall not exceed $3,300 per annum, that of the first three deputies shall not exceed $2,750 per annum, that of the twelve appraisers shall not exceed $2,500 per annum, and that of the other deputies and draftsmen shall not exceed $2,200 per annum. The total amount allowed for salaries for the county tax commissioner, his deputies, appraisers and draftsmen, and all other expenses of the office including transportation expense for himself and deputies, shall not exceed in the aggregate the compensation allowed

by KRS 132.590. A copy of the order of the county judge fixing the salaries as well as a copy of any change made therein, shall be filed with the Department of Revenue by the county clerk when made.

By Mr. Love.

H. B. 355. An Act to repeal Sec. 138.345 and Sec. 138.346 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.345 and Section 138.346 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Jonas.

H. B. 356. An Act relating to concealed weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 435.230 of Kentucky Revised Statutes is repealed, re-enacted and amended to read as follows:

Carrying concealed deadly weapon; selling deadly weapon to a minor.

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be fined not less than fifty dollars nor more than one hundred dollars, and imprisoned for not less than thirty days nor more than one year.

(2) Any person convicted of the offense of carrying concealed on or about his person a deadly weapon shall be disfranchised and excluded from the privilege of suffrage for two years.

(3) Any person convicted a second time under subsection (1) of this section shall be confined in the penitentiary for not less than one nor more than five years.

(4) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

By Mr. Doran.

H. Res. 77. Resolution appropriating the sum of $1000.00 as an additional contingent fund for the Clerk of the House and the office of the Speaker.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying additional necessary expenses incurred by the Chief Clerk of the House of Representatives, and the office of the Speaker, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 1 of the Acts of the Second Extraordinary Session of 1944 for legislative sessions as a contingent fund, the sum of One Thousand ($1000.00) Dollars. Said fund shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the House of Representatives.

Whereas, it is necessary that this additional contingent fund for the Chief Clerk of the House of Representatives and the office of the Speaker, be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

By Mr. Howell.

H. Res. 78. A Concurrent Resolution in honor of Green H. Hackworth.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Commonwealth of Kentucky through its General Assembly, hereby acknowledges with great pride the distinguished honor recently conferred upon its native son and former resident, the Honorable Green H. Hackworth, by his selection as the American member of the United Nations Court of International Justice.

2. The Chief Clerk of the House of Representatives is hereby instructed to forward a copy of this resolution to the Honorable Green H. Hackworth at Washington, D. C., and to President Harry S. Truman, the President pro tem. of the Senate, the Speaker of the House of Representatives, the Secretary of State, and to each member of the Kentucky delegation in the United States Senate and House of Representatives.

By Mr. Giles.

H. Res. 79. Resolution appropriating from the General Fund the sum of $320.00 to pay a claim and satisfy a judgment of the Franklin Circuit Court for materials furnished and services rendered by the Harlan Plumbing and Heating Company.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund to the Harlan Plumbing and Heating Company of Harlan, Kentucky the sum of three hundred twenty ($320.00) dollars and interest thereon at the rate of six percent (6%) per annum from May 3, 1944 until paid, said appropriation being to satisfy a judgment of the Franklin Circuit Court obtained by the Harlan Plumbing and Heating Company against the Commonwealth of Kentucky Military Department Armory Corporation, said judgment arising from materials furnished and services rendered by the Harlan Plumbing and Heating Company in the construction of an armory at Harlan, Ken-

tucky for payment of which there was not and is not funds available.

Ordered that said bills and resolutions be printed and referred.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House, as follows, viz.:

House Resolution 29—Committee on Appropriations

House Bill No. 125—Committee on Suffrage & Elections

House Bill No. 258—Committee on Courts

House Bill No. 259—Committee on Insurance—
Life & Casualty

House Bill No. 260—Committee on Cities of Second Class

House Bill No. 261—Committee on Ways & Means

House Bill No. 262—Insurance—Fire & Marine

House Bill No. 263—Committee on Cities of Second Class

House Bill No. 264—Committee on Ways & Means

House Bill No. 265—Committee on Roads & Highways No. 1

House Bill No. 266—Committee on Cities of Second Class

House Bill No. 267—Committee on Revenue & Taxation

House Bill No. 268—Committee on Ways & Means

House Bill No. 269—Committee on Revenue & Taxation

House Bill No. 270—Committee on Judicial Council

House Bill No. 271—Committee on Compensation for Industrial Injuries

House Bill No. 272—Committee on Ways & Means

House Bill No. 273—Committee on Roads & Highways No. 2

House Bill No. 274—Committee on Appropriations

House Bill No. 275—Committee on Courts

House Bill No. 276—Committee on Motor Transportation

House Bill No. 277—Committee on Education

House Bill No. 278—Committee on Education

House Bill No. 279—Committee on Roads & Highways No. 1

House Bill No. 280—Committee on Kentucky Statutes

House Bill No. 281—Committee on Banks & Banking

House Bill No. 282—Committee on Banks & Banking

House Bill No. 283—Committee on Education

Senate Bill No. 123—Committee on Revenue & Taxation

Under the provisions of Rule 18, Mr. McPherron called from the Committee on Agriculture No. 1, a bill entitled:

H. B. 108. An Act relating to marketing of tobacco with particular reference to charges for services made by tobacco warehouses.

Thereupon, Mr. McPherron moved that said bill be advanced to a reading.

Said motion was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Henry J. Giles	Jack McPherron
Harold L. Barnes	Otto W. Goff	Fred Morgan
W. G. Biggers	R. M. Hall	E. C. Mullins
Jack Bingham	C. L. Hammonds	Sylvester Phillips
B. K. Brantley	Maurice Howard	J. W. Simmons
Chas. W. Burnley	J. J. Huff	Luther Slusher
W. K. Coleman	W. H. Hunt	W. R. Smith
Fred Creasey	Kerby Jennings	E. A. Spencer
E. R. Denny	B. F. Kincaid	P. J. Stapleton
Bernie S. Edlin	Homer E. Losey	Ralph G. Stone
Eck Embry	Ed Marcum	Lyle H. Webb
R. R. Ernst	F. G. Marquette	Morris Weintraub
A. H. Eversole	E. H. Martin	—38

Those who voted in the negative were—

Roy W. Arnold	Jerry F. Howell	L. W. Preston
F. O. Baker	Ira W. Hulette	Hobart Rayburn
F. H. Bassett, Jr.	Paul Jonas	Wade H. Riley
Ott Begley	A. L. Love	Kelse H. Risner
B. J. Bonn	H. K. Lowman	Amos Runyan
J. C. Bradley	E. J. Lucas	Forrest Smith
John Y. Brown	W. E. McClure	Geo. W. Steinford
Mrs. Mary Burnett	Harry L. Moore	C. W. Taylor
Alex. H. Calvert	J. L. Moore	E. L. Thompson
S. J. Daugherty	J. Lee Moore	Ray G. Tipton
Adron Doran	Rodes K. Myers	E. N. Todd
G. I. Drury	J. C. Newcomb	Walter L. Trivette
Forest C. Easley	Thos. A. Noe	S. J. Wagner
M. B. Gilligan	Joe E. Nunn	Harry F. Walters
Harold G. Helm	Louis T. Peniston	Rodney Whitlow
Clyde S. Howard		—46

Mr. J. Lee Moore moved that the vote by which the House refused to advance said bill to a reading be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Thereupon the Speaker referred said bill to the Committee on Agriculture No. 1.

The House took up for consideration a resolution previously offered on today, entitled:

H. Res. 78. A concurrent resolution in honor of Green H. Hackworth, American member of the United Nations Court of International Justice, native and former resident of Kentucky.

(For resolution see Journal of today ante)

Said resolution was adopted.

Mr. Fred Morgan sent to the Clerk's Desk a Committee Amendment by way of Substitute for a bill entitled:

H. B. 123. An Act relating to Workmen's Compensation.

Ordered that said Substitute be printed.

Mr. Weintraub sent to the Clerk's Desk an amendment by way of Substitute for a bill entitled:

H. B. 201. An Act providing for financial responsibility and proof of ability to respond to damages to employees; relating to Workmen's Compensation.

Mr. Weintraub moved that said Substitute be printed.

Said motion was agreed to.

Mr. Myers moved that the Chief Clerk of this House be directed to notify the Superintendent of Public Instruction that the House awaits an immediate reply to a resolution which was certified to him by the Chief Clerk on February 8.

Said resolution is entitled:

H. Res. 58. Resolution relating to salaries of teachers in the common school system of Kentucky.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 212. An Act to amend Sec. 64.120 and 70.030 KRS which acts relate to sheriffs in certain counties.

H. B. 124. An Act appropriating money for the operations, maintenance, support and functioning of State Government of the Commonwealth of Kentucky, etc.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 8. An Act relating to public assistance.

With a Committee Amendment thereto by way of Substitute therefor.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 10. An Act relating to the amount of public assistance which shall be granted to needy aged persons and needy blind persons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 205.030 of the Kentucky Revised Statutes is amended to read as follows:

The amount of old age assistance which shall be granted to any needy aged shall be determined with due regard to the resources and requirements of the individual and the conditions existing in each case and shall be sufficient, when added to all other income and support available to the needy aged, to provide the needy aged with a reasonable subsistence compatible with decency and health, but the amount of such assistance shall not exceed thirty dollars for any month. The mere legal liability, not complied with, of an adult child of the needy aged, to provide support as provided in KRS 405.080, shall not be considered to be "resources" or "support available" within the meaning of this section, and old age assistance shall not be denied or reduced on account of such liability.

§ 2. Section 207.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The amount of aid to be granted shall be determined with due regard to the resources and requirements of the individual and the conditions existing in each case and, when funds are available, shall be sufficient, when added to all other income, resources, and support available to the needy blind, to provide such person with a reasonable subsistence compatible with decency and health, or specialized services for corrective or preventive treatment for blindness, including the necessary traveling expenses to and from the medical center. The mere legal liability, not complied with, of an adult child of the needy blind, to provide support as provided in KRS 405.080, shall not be considered to be "resources" or "support available" within the meaning of this section, and aid shall not be denied or reduced on account of such liability.

(2) Activities for aid to the needy blind shall at all times be subject to the approval of the Department of Finance.

Mr. Steinford moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Joe E. Nunn
Harold L. Barnes	Harold G. Helm	Louis T. Peniston
F. H. Bassett, Jr.	E. R. Hilton	Sylvester Phillips
Ott Begley	Maurice Howard	E. F. Prichard
W. G. Biggers	Jerry F. Howell	Hobart Rayburn
Jack Bingham	J. J. Huff	Kelse H. Risner
B. J. Bonn	Ira W. Hulette	Amos Runyan
J. C. Bradley	W. H. Hunt	J. W. Simmons
B. K. Brantley	Kerby Jennings	Luther Slusher
John Y. Brown	Paul Jonas	Forrest Smith
Mrs. Mary Burnett	L. H. Jones	E. A. Spencer
Chas. W. Burnley	B. F. Kincaid	Paul J. Stapleston
W. K. Coleman	G. O. Kirkpatrick	Geo. W. Steinford
Fred Creasey	Homer E. Losey	L. S. Stephens
S. J. Daugherty	A. L. Love	Ralph G. Stone
E. R. Denny	H. K. Lowman	C. W. Taylor
Adron Doran	E. J. Lucas	E. L. Thompson
G. I. Drury	Ed Marcum	Ray G. Tipton
Forest C. Easley	F. G. Marquette	E. N. Todd
Bernie S. Edlin	E. H. Martin	Walter L. Trivette
Eck Embry	W. E. McClure	S. J. Wagner
R. R. Ernst	Jack McPherron	Lyle H. Webb
A. H. Eversole	Harry L. Moore	Geo. J. Weining
Henry J. Giles	J. L. Moore	Morris Weintraub
Tom Gilliam	Fred Morgan	Lawrence Wells
M. B. Gilligan	E. C. Mullins	Rodney Whitlow
Otto W. Goff	Rodes K. Myers	John Wilborn
R. M. Hall	Thos. A. Noe	—83

Those who voted in the negative were—

Roy W. Aronld	J. Lee Moore	L. W. Preston	
L. A. Demumbrun	J. C. Newcomb		—5

Resolved that the title thereof be as aforesaid.

Mr. Steinford moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had reconsidered and passed a bill entitled:

H. B. 30. An Act relating to holidays and designating "Franklin D. Roosevelt Day" as January 30.

The objections and veto of the Governor to the contrary notwithstanding.

(For bill and veto of the Governor see House Journal of February 8.)

Ordered that the Chief Clerk deliver said bill to the Secretary of State.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 156. An Act fixing the compensation of the justices of the peace for serving on committees of the fiscal court.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Subsection 2 of Kentucky Revised Statutes, 67.110 be repealed, amended, and reenacted so as to read as follows:

"Each justice of the Peace serving on the Fiscal Court shall be paid for his services out of the County Treasury $10.00 for each day of actual attendance at the meetings of the Fiscal Court."

Be it further enacted that Subsection 3 of 67.110 be repealed, amended and reenacted so as to read as follows:

"County Commissioners or Justices of the Peace shall not receive any compensation for serving on committees of the Fiscal Court, except that the Counties where the Fiscal Court controls and supervises the County roads hrough a committee of its members, the Justices of the Peace serving on that committee shall be paid out of the County Treasury $10.00 for each day that he actually serves."

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	Forest C. Easley	H. K. Lowman
F. H. Bassett, Jr.	Eck Embry	E. J. Lucas
Ott Begley	R. R. Ernst	E. H. Martin
W. G. Biggers	Henry J. Giles	W. E. McClure
Jack Bingham	Tom Gilliam	Jack McPherron
B. J. Bonn	M. B. Gilligan	Fred Morgan
J. C. Bradley	C. L. Hammonds	E. C. Mullins
John Y. Brown	Harold G. Helm	Rodes K. Myers
Mrs. Mary Burnett	E. R. Hilton	Thos. A. Noe
Chas. W. Burnley	Clyde S. Howard	Louis T. Peniston
Alex. H. Calvert	Maurice Howard	Sylvester Phillips
W. K. Coleman	Jerry F. Howell	L. W. Preston
Fred Creasey	Ira W. Hulette	Hobart Rayburn
S. J. Daugherty	B. F. Kincaid	Wade H. Riley
Adron Doran	Edgar Kitchen	Kelse H. Risner
G. I. Drury	Homer E. Losey	Amos Runyan

J. W. Simmons	Ralph G. Stone	Harry F. Walters
Luther Slusher	C. W. Taylor	Geo. J. Weining
Forrest Smith	E. L. Thompson	Morris Weintraub
E. A. Spencer	Walter L. Trivette	Rodney Whitlow
Geo. W. Steinford	S. J. Wagner	John Wilborn

—63

Those who voted in the negative were—

Roy W. Arnold	Kerby Jennings	J. L. Moore
F. O. Baker	L. H. Jones	Joe T. Morgan
B. K. Brantley	G. O. Kirkpatrick	Paul J. Stapleton
L. A. Demumbrun	A. L. Love	Ray G. Tipton
E. R. Denny	Ed Marcum	E. N. Todd
A. H. Eversole	F. G. Marquette	Lyle H. Webb
Otto W. Goff	Harry L. Moore	Lawrence Wells
J. J. Huff		

—22

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed, be reconsidered that that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 152. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 118.040 of the Kentucky Revised Statutes is amended to read as follows:

The polls shall be opened at 6 a. m. and kept open continuously until 6 p. m. of the same day. Before receiving any ballots, the officers of election shall cause to be proclaimed that the election is opened.

Sec. 2. Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in August of each year between the hours of 6 a. m. and 6 p. m., at the regular polling places in each election precinct.

Sec. 3. Subsection (1) of section 118.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the hour of 6 p. m. arrives the election officers shall announce the fact at the door of the voting room and close the polls. They shall take charge of the ballot box, and in the presence of each other shall place the lock on the small vent in the lid and securely lock it. The election officers shall then place upon all unused stubs and ballots, with rubber stamp or by writing, the word, "Unused," and place them, with the stub book and all other utensils or election material, into the linen envelope provided by the county clerk for that purpose, and shall seal with sealing wax across the seal of the envelope and place the county election seal upon the wax, so as to make the letters plainly visible in three different places on the envelope. The sheriff of election and the judge of opposite faith shall forthwith convey the ballot box, the key to the vent lock and the envelope to the county clerk, taking his receipt therefor. The sheriff and judge shall see that no person other than themselves has access to, or custody of, the ballot box, and they shall each remain in the presence of the other until the box, key and envelope are delivered to the county clerk.

Section 4. Subsection (3) of section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(3) The county board of election commissioners shall meet, for the purpose of counting the ballots, issuing certificates and making a report, at 7 p. m. on the day of the election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the

stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed it may then adjourn until the following day at 8 a. m., unless the following day is a Sunday, in which case it shall adjourn until 8 a. m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a. m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p. m., or longer in its discretion. If the count is not then completed, the board shall reconvene during the same hours on each succeeding day, except on Sundays and on such legal holidays as the board decides not to meet, until the count is completed.

Mr. Morgan offered the following amendment to said bill, viz.:

Amend H. B. 152 on page 1, section 1, line 5 by adding after line 5 the following:

Section 1½. Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

The judges, clerk and sheriff of election shall receive five dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county.

For delivering election returns the sheriff and the judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

Said amendment was disagreed to.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

Chas. W. Burnley	W. E. McClure	Geo. W. Steinford
G. I. Drury	Fred Morgan	S. J. Wagner

—6

Those who voted in the negative were—

C. W. Anderson	Clyde S. Howard	Thos. A. Noe
Roy W. Arnold	Maurice Howard	Joe E. Nunn
F. O. Baker	Jerry F. Howell	Louis T. Peniston
F. H. Bassett, Jr.	J. J. Huff	Sylvester Phillips
Ott Begley	Ira W. Hulette	E. F. Prichard
W. G. Biggers	W. H. Hunt	Hobart Rayburn
B. J. Bonn	Kerby Jennings	Wade H. Riley
B. K. Brantley	Paul Jonas	Kelse H. Risner
John Y. Brown	B. F. Kincaid	Amos Runyan
Mrs. Mary Burnett	G. O. Kirkpatrick	J. W. Simmons
Alex. H. Calvert	Edgar Kitchen	Luther Slusher
W. K. Coleman	Homer E. Losey	Forrest Smith
L. A. Demumbrun	A. L. Love	W. R. Smith
E. R. Denny	H. K. Lowman	Paul J. Stapleton
Adron Doran	E. J. Lucas	Ralph G. Stone
Forest C. Easley	Ed Marcum	C. W. Taylor
Eck Embry	F. G. Marquette	E. L. Thompson
R. R. Ernst	E. H. Martin	Ray G. Tipton
A. H. Eversole	Jack McPherron	E. N. Todd
Henry J. Giles	Harry L. Moore	Walter L. Trivette
M. B. Gilligan	J. L. Moore	Harry F. Walters
Otto W. Goff	J. Lee Moore	Lyle H. Webb
R. M. Hall	Joe T. Morgan	Geo. J. Weining
C. L. Hammonds	E. C. Mullins	Lawrence Wells
Harold G. Helm	Rodes K. Myers	Rodney Whitlow
E. R. Hilton	J. C. Newcomb	John Wilborn

—78

Mr. Prichard offered the following amendment to said bill, viz.:

Amend H. B. 152 on page 1 by adding after end of Sec. 3, the following, to be numbered Sec. 3½:

The polls shall be kept open for all elections a minimum of ten hours or a maximum of twelve hours, beginning at six a. m. The fiscal court of each county shall establish the exact hours of election for the county.

Without objection, said amendment was withdrawn by Mr. Prichard.

Mr. Prichard moved that said bill be recommitted

To the Committee on Suffrage and Elections.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 31. An Act relating to holding of real estate by religious societies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 273.090 K.R.S. be amended and re-enacted to read as follows:

I.

No religious society may take or hold legal or equitable title to more than fifty (50) acres of ground for a longer period than one year under penalty of escheat.

II.

Any action to escheat real estate held contrary to this Act shall be brought in the name of the Commonwealth of Kentucky in the Circuit Court of the County in which any part of it is situated. Before any such action may be instituted, the Attorney General or the Department of Revenue shall give written notice to the religious society taking or holding the title to the real estate that, unless the property is disposed of within one year after receipt of the notice, an action will be commenced to forfeit such real estate. No such action shall be brought before that time. The notice shall contain a brief description of the real estate and shall be served as provided by Sections 625 to Section 628 of the Civil Code. The service of this notice shall not invalidate or impair the title of such religious society to the real estate and shall not abridge its right to convey the real estate before the action is filed.

III.

All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed, to the extent of such conflict.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson
Roy W. Arnold
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Henry J. Giles
Tom Gilliam
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
L. W. Preston
E. F. Prichard
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
Paul J. Stapleton
Geo. W. Steinford
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Morris Weintraub
Rodney Whitlow
John Wilborn

—79

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate, announcing that they had passed a bill which originated in this House, entitled:

H. B. 67. An Act amending Sec. 75.030 KRS providing for the county attorney to act as legal counsel for water districts; etc.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in that body, entitled:

S. B. 33. An Act relating to primary and general elections with particular reference to contest elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 122.010 of the Kentucky Revised Statutes is amended to read as follows:

In any contest over the nomination or election of any state, county, city or district officer, it may be alleged in the pleadings of the contestant that the provisions of KRS 123.010 or of KRS 123.030 to 123.110 have been violated by the contestee or by others in his behalf with his knowledge, and it may likewise be alleged in the pleadings of the contestee that such provisions have been violated by the contestant or by others in his behalf with his knowledge. If it appears upon the trial of the contest that such provisions have been violated by the contestant or by others in his behalf with his knowledge, the contest action shall be dis-

missed and the contestant shall have no further right to maintain the same. If no such violation by the contestant, or by others in his behalf with his knowledge, appears, and it appears that such provisions have been violated by the contestee or by others in his behalf with his knowledge, the nomination or election of the contestee shall be declared void. In the case of primary elections, if any candidate who is a party to the contest proceedings has not violated the provisions of KRS 123.010 or of KRS 123.030 to 123.110, and all candidates who received more votes than he did are also parties and are found to have violated those provisions, such candidate shall be declared nominated.

§ 2. Section 122.020 of the Kentucky Revised Statutes is amended to read as follows:

Any candidate for nomination to office at a primary election held under the provisions of KRS 119.010 to 119.990, for whom a number of votes was cast equal to not less than 50% of the votes cast for the successful candidate for nomination to such office, may contest the right of the successful candidate, and of any other candidate for nomination to such office, to such nomination, by filing a petition in the circuit court within fifteen days from the day of the primary election, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in ten days. In the case of candidates for office for the state at large, the petition shall be filed in the Franklin circuit court; in the case of other candidates it shall be filed in the circuit court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his home with a member of his family over sixteen years of age, or by posting a copy on the door of his residence. The contestee shall file his answer within ten days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds must be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 122.060, may, by filing an answer in the recount proceeding

within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five days after the issue was joined. In circuit court districts having more than one circuit judge the judge who shall hear the cause shall be determined by lot.

§ 3. Subsection (1) of Section 122.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any candidate who was voted for at a primary election held under KRS 119.010 to 119.990 may request a recount of the ballots by filing a petition so requesting, with the same court that contest petitions are required to be filed with, within fifteen days after the day of the primary election, or, if such candidate is qualified to bring a contest proceeding under KRS 122.020, by including a request for a recount in his petition instituting the contest proceedings, and any candidate who is a contestee in a contest proceeding under KRS 122.020 may request a recount in his answer filed in the contest proceeding, but in such case the answer must be filed within five days after the service of process on the petition. When a request for a recount is made, the election commissioners whose duty it is to issue certificates shall be made parties defendant. The party requesting the recount must execute bond with approved surety for the costs of the recount, in an amount to be fixed by the circuit judge. Upon the bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the

ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court or judge in vacation shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

§ 4. Section 122.070 of the Kentucky Revised Statutes is amended to read as follows:

Any candidate for election to any State, county, district or city office (except the office of Governor, Lieutenant Governor, member of the General Assembly, and those city offices as to which there are other provisions made by law for determining contested elections), for whom a number of votes was cast equal to not less than 25% of the number of votes cast for the successful candidate for the office, may contest the election of the successful candidate, by filing a petition in the circuit court of the county where the contestee resides, unless the officer is one elective by the voters of the whole state, in which case the petition shall be filed in the Franklin circuit court. The petition shall be filed and process issued within thirty days after the day of election; it shall state the grounds of the contest relied on, and no other grounds shall afterwards be relied upon. The contestee shall file an answer within twenty days after the service of summons upon him. The answer may consist of a denial of the averments of the petition and may also set up grounds of contest against the contestant; if grounds are so set up they shall be specifically pointed out and none other shall thereafter be relied upon by the party. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding under KRS 122.100, may, by filing answer in the recount

proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. A reply may be filed within ten days after the answer is filed; its affirmative allegations shall be treated as controverted, and no subsequent pleading shall be allowed.

§ 5. Subsection (1) of Section 122.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any candidate who was voted for at a regular election for any of the offices to which KRS 122.070 applies may request a recount of the ballots by filing a petition so requesting, with the same court that petitions of contest are required to be filed with, within ten days after the day of the election, or, if such candidate is qualified to institute a contest proceeding under KRS 122.070, by including a request for a recount in his petition instituting the contest proceedings, but in the latter case the petition must be filed within ten days after the day of the election. Any such candidate who is a contestee in a contest proceeding under KRS 122.070 may request a recount in his answer filed in the contest proceeding, but only if the answer is filed within ten days after the day of election. If a request for a recount is made, the election commissioners whose duty it is to issue certificates of election shall be made parties defendant. The party requesting the recount must execute bond with approved surety for the costs of the recount, in an amount to be fixed by the circuit judge. Upon the bond being filed, the clerk shall immediately notify the circuit judge of the request and the filing of the bond, and the judge shall at once enter an order directing the ballots, boxes and all papers pertaining to the election to be transferred to the circuit court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court or judge in vacation shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof,

and direct the election commissioners whose duty it is to issue the certificates to issue the same to the party entitled thereto as shown by the recount.

§ 6. A new section of the Statutes is created, to read as follows:

It shall be unlawful for any candidate in any primary or general election to agree not to file a suit contesting the election, or to agree to dismiss or cease prosecuting such suit after it has been filed, in consideration of the payment or promise to pay to him, or to any other person, of any money, deputyship, clerkship, employment, or anything of value by such successful candidate or by any other person. Any person who violates this section shall be ineligible thereafter to hold, or become a candidate for nomination or election to, any public office in this state, or to have his name printed on any official ballot in a primary or general election. Any qualified voter may maintain an action to enjoin the printing of the name of a person upon the official ballots for any primary or general election, on the ground that such person has violated this section, and in such action the violation may be proved by parol evidence.

S. B. 64. An Act relating to school terms.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.007, Kentucky Revised Statutes, is amended to read as follows:

The minimum school term shall be eight school months. The Superintendent of Public Instruction, upon the approval of the local board of education and upon the approval of the State Board of Education, may extend the minimum term to nine or ten months when the resources of the school fund or contributions by local taxation or donations justify the extension, but no extension shall be made if it reduces the monthly salaries of teachers below those paid for the shorter term. A board of education may extend its term beyond the

minimum term set by the Superintendent of Public Instruction.

S. B. 109. An Act relating to chiropractors.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 312.030 of the 1944 Edition of the Kentucky Revised Statutes is repealed, amended and re-enacted so that when amended and re-enacted it will read as follows:

Any person of good moral character, with a preliminary education or experience equivalent to a high school education, who has been graduated from a chiropractic school or college giving a course of four academic years and requiring actual attendance of at least four thousand 45-minute academic hours in anatomy, physiology, neurology, symptomatology, hygiene, sanitation, pathology, chiropractic analysis, philosophy and the principles and practices of chiropractic, shall be eligible to take the examination for a license. Provided, this act shall not be applicable to those persons who were in attendance at Chiropractic schools or colleges prior to the passage of this act.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 130. An Act relating to deadly weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells

a deadly weapon, other than an ordinary pocket knife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.

(2) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

Mr. Eversole offered the following amendment to said bill, viz.:

Amend H. B. 130 by adding the following section:

That this Act shall only apply to persons carrying Owl Heads, Ivory Johnsons and Tommy Guns.

Said amendment was rejected for lack of a second.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Mrs. Mary Burnett	C. L. Hammonds
Roy W. Arnold	Alex H. Calvert	Harold G. Helm
Harold L. Barnes	W. K. Coleman	Clyde S. Howard
F. H. Bassett, Jr.	Fred Creasey	Maurice Howard
Ott Begley	E. R. Denny	Jerry F. Howell
W. G. Biggers	Adron Doran	J. J. Huff
Jack Bingham	R. R. Ernst	W. H. Hunt
B. J. Bonn	Henry J. Giles	Kerby Jennings
B. K. Brantley	Otto W. Goff	Paul Jonas
John Y. Brown	R. M. Hall	L. H. Jones

G. O. Kirkpatrick	E. C. Mullins	Geo. W. Steinford
A. L. Love	Rodes K. Myers	E. L. Thompson
H. K. Lowman	Sylvester Phillips	Ray G. Tipton
E. J. Lucas	E. F. Prichard	Walter L. Trivette
Ed Marcum	Hobart Rayburn	S. J. Wagner
E. H. Martin	Kelse H. Risner	Lyle H. Webb
Jack McPherron	Luther Slusher	Morris Weintraub
J. Lee Moore	W. R. Smith	Lawrence Wells
Fred Morgan	E. A. Spencer	Rodney Whitlow
Joe T. Morgan	Paul J. Stapleton	John Wilborn

—60

Those who voted in the negative were—

F. O. Baker	F. G. Marquette	Wade H. Riley
C. W. Burnley	W. E. McClure	Amos Runyan
S. J. Daugherty	Harry L. Moore	J. W. Simmons
G. I. Drury	J. L. Moore	Forrest Smith
Forest C. Easley	J. C. Newcomb	C. W. Taylor
Tom Gilliam	Joe E. Nunn	E. N. Todd
Ira W. Hulette	Louis T. Peniston	Harry F. Walters
Edgar Kitchen	L. W. Preston	

—23

Resolved that the title thereof be as aforesaid.

Mr. Bingham moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 86. An Act relating to newsboys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 434.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who obtains newspapers from a person engaged in selling newspapers at retail, without paying there-

for, with intent to defraud such person selling newspapers, shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, or both.

(2) Proof that any person refused or neglected to pay for such newspaper upon demand shall be prima facie evidence of the fraudulent intent contemplated by this section.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Tom Gilliam	L. W. Preston
F. O. Baker	Otto W. Goff	E. F. Prichard
Harold L. Barnes	R. M. Hall	Hobart Rayburn
F. H. Bassett, Jr.	C. L. Hammonds	Wade H. Riley
Ott Begley	Harold G. Helm	Kelse H. Risner
W. G. Biggers	Maurice Howard	J. W. Simmons
Jack Bingham	Ira W. Hulette	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	B. F. Kincaid	W. R. Smith
John Y. Brown	Edgar Kitchen	E. A. Spencer
Mrs. Mary Burnett	A. L. Love	Paul J. Stapleton
Chas. W. Burnley	H. K. Lowman	Geo. W. Steinford
W. K. Coleman	E. J. Lucas	C. W. Taylor
Fred Creasey	Ed Marcum	E. L. Thompson
S. J. Daugherty	E. H. Martin	Ray G. Tipton
L. A. Demumbrun	W. E. McClure	E. N. Todd
E. R. Denny	Jack McPherron	Walter L. Trivette
Adron Doran	J. L. Moore	S. J. Wagner
G. I. Drury	Fred Morgan	Harry F. Walters
Forest C. Easley	E. C. Mullins	Lyle H. Webb
Bernie S. Edlin	Louis T. Peniston	Lawrence Wells
Eck Embry	Sylvester Phillips	Rodney Whitlow
R. R. Ernst		

—67

Those who voted in the negative were—

A. H. Eversole G. O. Kirkpatrick J. C. Newcomb
J. J. Huff —4

Resolved that the title thereof be as aforesaid.

Mr. Creasey moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

S. B. 24. An Act relating to printing, binding, publication and distribution of the Kentucky Reports and Advance Sheets.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 21.260 of the Kentucky Revised Statutes is amended to read as follows:

The Court of Appeals, the Chief Justice being chairman, shall constitute a board of commissioners, for the purpose of having the opinions of the court published. The commissioners shall in April 1946, advertise, by publication in the paper having the largest circulation in each of the cities of Frankfort, Lexington and Louisville, for sealed bids for printing and binding sixteen volumes of the Kentucky Reports beginning with volume 302 to and including volume 317. The contract shall be let to the lowest and best bidder, and shall contain such conditions and provisions as the commissioners desire to incorporate in it, including the number of copies of each volume to be printed. All subsequent contracts shall be advertised on the date actual printing of the last volume authorized in the preceding contract begins and shall be awarded as provided herein. The person to whom the contract is let shall enter into a bond to be fixed by the com-

missioners for the faithful performance of his duties; notify the commissioners, in writing, on the date actual printing of the last volume begins in order that they may advertise and award subsequent contracts as provided herein; and the commissioners may, upon the failure or refusal of the contractor to perform his contract, or any part thereof, cancel said contract and re-let the same for the unexecuted portion thereof after due advertisement.

Section 2. Section 21.280 of the Kentucky Revised Statutes is amended to read as follows:

There shall be no copyright of the reports. When each volume of the reports is printed, copies of each individual page or copies of each form used in the printing, as may be specified in the contract, shall be produced on enameled paper suitable for filing and reproduction and shall be delivered by the printer to the State Librarian who shall preserve them as property of the state.

Section 3. Subsection (3) of Section 57.150 of the Kentucky Revised Statutes is amended to read as follows:

(3) The Kentucky Reports shall be printed upon number one sized and super-calendared paper, the pages not to be less than 24 pica ems wide and 45 pica ems long, in neat small pica type. They shall be bound in the best American Buckram, and shall be as nearly as possible uniform in size so as to conform to the present volumes of the Kentucky Reports.

Section 4. Whereas volume 301 of the Kentucky Reports is now in the hands of the printer and volume 302, as set out in this act, will be ready for printing in a short period of time, it is imperative that provisions be made forthwith with respect to printing and binding of the Kentucky Report, an emergency is declared to exist and this bill shall become a law when properly passed by the General Assembly and approved by the Governor.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	C. L. Hammonds	J. C. Newcomb
Harold L. Barnes	E. R. Hilton	Louis T. Peniston
F. H. Bassett, Jr.	Jerry F. Howell	Sylvester Phillips
Ott Begley	J. J. Huff	L. W. Preston
W. G. Biggers	Ira W. Hulette	E. F. Prichard
Jack Bingham	Kerby Jennings	Hobart Rayburn
B. J. Bonn	L. H. Jones	Wade H. Riley
J. C. Bradley	B. F. Kincaid	Kelse H. Risner
John Y. Brown	G. O. Kirkpatrick	Amos Runyan
Mrs. Mary Burnett	Edgar Kitchen	J. W. Simmons
Alex. H. Calvert	Homer E. Losey	Luther Slusher
S. J. Daugherty	A. L. Love	Forrest Smith
L. A. Demumbrun	H. K. Lowman	W. R. Smith
E. R. Denny	E. J. Lucas	C. W. Taylor
Adron Doran	Ed Marcum	Ray G. Tipton
G. I. Drury	W. E. McClure	E. N. Todd
Forest C. Easley	Jack McPherron	Walter L. Trivette
Eck Embry	J. L. Moore	S. J. Wagner
R. R. Ernst	J. Lee Moore	Harry F. Walters
A. H. Eversole	Fred Morgan	Lyle H. Webb
Henry J. Giles	Joe T. Morgan	Lawrence Wells
Tom Gilliam	E. C. Mullins	Rodney Whitlow
Otto W. Goff	Rodes K. Myers	John Wilborn
R. M. Hall		—70

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Hall moved that the Rules of this House be suspended and that a resolution enittled:

H. Res. 54. Resolution authorizing payment of claim to Ezra Beach, etc., of Gallatin County.

Which was reported by the Committee on Claims on February 8, with the expression of opinion that said resolution ought not to pass,

Be recommitted to the Committee on Claims.

Without objection, said motion was agreed to, and said resolution was recommitted

To the Committee on Claims.

Mr. Howell moved that the House do now recess until seven-thirty o'clock p. m.

Said motion was agreed to.

And then the House recessed.

The hour of seven-thirty o'clock p. m. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Weintraub moved that the House do now resolve itself into a Committee of the Whole House for the purpose of hearing proponents and opponents discuss a bill entitled:

H. B. 142. An Act relating to Unemployment Compensation.

Said motion was agreed to.

Thereupon the Speaker vacated the Chair and designated Mr. Howell as Chairman of the Committee of the Whole House.

After a time the Speaker resumed the Chair and Mr. Howell of the Committee of the Whole House reported that Committee of the Whole House proposed that the House adjourn for the purpose of holding an open hearing before the Committee on Labor on said bill.

Mr. Wagner moved that the House do now adjourn for the purpose of holding an open hearing on H. B. 142 according to the recommendations of the Committee of the Whole House.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 15, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by Father O'Dwyer of the Roman Catholic Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Roy W. Arnold	W. K. Coleman	Otto W. Goff
F. O. Baker	Fred Creasey	R. M. Hall
Harold L. Barnes	S. J. Daugherty	C. L. Hammonds
F. H. Bassett, Jr.	L. A. Demumbrun	Harold G. Helm
Ott Begley	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
Jack Bingham	G. I. Drury	Maurice Howard
B. J. Bonn	Forest C. Easley	Jerry F. Howell
J. C. Bradley	Bernie S. Edlin	J. J. Huff
B. K. Brantley	R. R. Ernst	Ira W. Hulette
John Y. Brown	A. H. Eversole	W. H. Hunt
Mrs. Mary Burnett	Henry J. Giles	Kerby Jennings
Chas. W. Burnley	Tom Gilliam	Paul Jonas
Alex. H. Calvert	M. B. Gilligan	L. H. Jones

B. F. Kincaid	J. C. Newcomb	Geo. W. Steinford
Edgar Kitchen	Thos. A. Noe	L. S. Stephens
Homer E. Losey	Joe E. Nunn	Ralph G. Stone
A. L. Love	Louis T. Peniston	C. W. Taylor
H. K. Lowman	Sylvester Phillips	E. L. Thompson
E. J. Lucas	L. W. Preston	Ray G. Tipton
Ed Marcum	E. F. Prichard	E. N. Todd
F. G. Marquette	Hobart Rayburn	Walter L. Trivette
E. H. Martin	Wade H. Riley	S. J. Wagner
W. E. McClure	Kelse H. Risner	Harry F. Walters
Jack McPherron	Amos Runyan	Lyle H. Webb
Harry L. Moore	J. W. Simmons	Geo. J. Weining
J. L. Moore	Luther Slusher	Morris Weintraub
J. Lee Moore	Forrest Smith	Rodney Whitlow
Fred Morgan	W. R. Smith	John Wilborn
E. C. Mullins	E. A. Spencer	Mr. Speaker
Rodes K. Myers	Paul J. Stapleton	

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Myers moved that Miss Goldie Kitchen, daughter of The Honorable Edgar Kitchen, be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Mullins moved that the privilege of the floor be extended to Mr. K. J. Francis of Lincoln County, former member of this House.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 35. An Act to amend Sec. 95.550 KRS 1942; to limit the number of hours firemen of cities of the second class shall be required to be on duty and providing a vacation for such firemen.

H. B. 121. An Act relating to taxation for school purposes.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills which originated in that body entitled:

S. B. 18. An Act relating to the employment by the State Government of persons who have served in armed forces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) Any person (other than a person appointed for a definite term and those persons who received a dishonorable discharge) who has heretofore entered, or shall hereafter enter, service in the Armed Forces of the United States in the war with foreign powers which began on December 8, 1941, and who, at the time of entering such service, was employed in a position in any agency or department of the state government, or any political subdivision thereof, shall, upon being discharged from such service, be forthwith reemployed for a period of not less than one year at the same status in the same position in which he was employed at the time he entered service, or if such position no longer exists, in an existing or created position of equal class and compensation rate.

Salary increments which would have normally accrued if the veteran had remained in the state service shall be added to the salary he was receiving at the time he entered service in the armed forces. If more than one person has entered the Armed Forces from the same position in any agency or department of the State Government, or any political subdivision thereof, and each of such persons desires reemployment in such position, the one with seniority in time of service shall be reemployed in such position and the other shall be employed in an existing or created position of equal class and compensation rate.

(2) Any person entitled to reemployment under the provisions of this act who, upon application, is not reemployed as required by this act shall have a civil action for damages against the officer having the power of appointment to such position, and said action shall be brought in the courts of the county where the office of the person violating this act is located. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to reemployment under this section, who fails, upon due application, to make such reemployment, shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars, in the courts of the county where the offense is committed.

(3) This section is not intended to require the reemployment of any person unless such person makes application for reemployment within three months after his discharge from service in the Armed Forces, or from the date this act becomes effective, nor unless such person is physically able to perform the duties of the position in which he seeks reemployment.

(4) "Person" as used in subsection (1) of this act shall mean and include all employes other than heads of departments and those persons employed in an emergency, provisional temporary or probational status at the time of entering the military service.

S. B. 99. An Act relating to banks and trust companies, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 287.060 Kentucky Revised Statutes be, and the same is hereby repealed, amended and reenacted so that as reenacted it shall read as follows:

"287.060 (165a-20) *Oath required of directors before transacting business.*

(1) Before any financial institution mentioned in KRS 287.040 may transact any banking or trust business, it shall

file a written oath with the director of banking. The oath shall be taken by each director of the institution, and shall state in substance:

(a) That such director is a citizen of the United States, and the State of Kentucky, or, if not, the place of his residence;

(b) That he will faithfully discharge the duties of his office and administer the affairs of the institution, so far as the duties of his office require;

(c) That he will uphold the laws of the state, and particularly the banking laws; and

(d) That he is the bona fide owner of unencumbered shares, representing at least five hundred dollars par value, of the capital stock of the corporation of which he is a director.

(2) The oath shall be taken before any officer authorized to administer oaths, and shall be taken upon the election of any subsequent director or reelection of any director. The oath shall be transmitted to the director of banking immediately upon its execution, and shall be filed and preserved by the director.

(3) After the oath has been filed, if the director of banking is satisfied that all requisite laws have been complied with, he shall issue a certificate to the institution, setting out therein that such institution has subscribed and paid in the required capital, and otherwise fully complied with all pertinent laws and regulations. The certificate will entitle the institution to at once transact the business for which it was organized.

S. B. 112. An Act to repeal Sec. 28.310 and 64.035 KRS 1944, relating to the fees of the county court clerk in certain counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 28.310 and 64.035 of the Kentucky Revised Statutes of 1944 are repealed.

S. B. 78. An Act entitled "An Act to atuhorize building and loan associations to make loans," etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1: Building and Loan Associations may make loans at variable rates of interest, not in excess of six percent. The by-laws of the Association shall classify the loans to which the respective interest rates shall apply.

SECTION 2: Building and Loan Associations may make loans in accordance with the provisions of Act of Congress styled "Servicemen's Readjustment Act of 1944" and any amendments thereto.

In as much as there is a great shortage of housing at this time and many Veterans are seeking loans, an emergency is declared to exist and this Act shall take effect and be enforced from and after its passage and approval by the Governor.

S. B. 103. An Act relating to actions for divorce.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 403.030 of the Kentucky Revised Statutes is amended to read as follows:

A petition for divorce shall not be taken for confessed or be sustained by the admission of the defendant alone, but must be supported by other proof. Two witnesses, or one witness and strong corroborative circumstances, shall be necessary to sustain the charge of adultery or of lewd and lascivious behavior. The credibility or good character of the witnesses must be personally known to the judge or personally known to and certified to by the officer taking the deposition, or else it must be proved.

S. B. 100. An Act relating to banks and trust companies, amending Sec. 287.230 KRS.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 287.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any trust company or bank empowered to act as a fiduciary under the laws of this state and subject to examination by state or Feedral banking authorities may:

(a) Set apart in a separate common trust fund certain definite securities and properties which conform with state requirements as to investments;

(b) Issue shares or participation certificates in such trust fund; and

(c) Invest trust funds in its hands for investment in such shares or participation certificates.

(2) Before establishing a common trust fund as provided in subsection (1), the trust company or bank shall file with the director of banking a statement of the plan under which it proposes to establish, maintain, operate and ultimately liquidate the trust fund, and shall secure the written approval of the plan by the director of banking.

(3) After such a trust fund has been established, it may be modified or amended by filing with the director of banking a statement setting forth the proposed modification or amendment, and securing the written approval of the change by the director of banking.

(4) The bank or trust company shall at all times maintain definite records showing all securities and properties held in such fund, and all participation certificates issued against such fund.

(5) The beneficiaries of any trust or estate shall have a claim, prior to any and all other claims against the bank or trust compny, for any money due the trust or estate.

Ordered that said bills be printed and referred.

Mr. Myers moved that when the House adjourn today, it adjourn to meet again on Monday, February 18 at eight o'clock p. m.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House, as follows, viz.:

House Bill 284	Compensation for Industrial Injuries
House Bill 285	Revenue and Taxation
House Bill 286	Judicial Council
House Bill 287	Cities of Second Class
House Bill 288	Ways and Means
House Bill 289	Library & Historical Records
House Bill 290	Ways & Means
House Bill 291	Mines & Mining
House Bill 292	Revenue & Taxation
House Bill 293	Judicial Council
House Bill 294	Juvenile Courts & Children's Homes
House Bill 295	Cities of Second Class
House Bill 296	Juvenile Courts & Children's Homes
House Bill 297	Courts
House Bill 298	Cities of Second Class
House Bill 299	Cities of Second Class
House Bill 300	Public Health
House Resolution 61	Claims
House Resolution 62	Claims

House Resolution 63 Claims

House Resolution 64 Claims

House Resolution 65 Claims

House Resolution 66 Claims

House Resolution 67 Claims

House Resolution 70 Claims

House Resolution 71 Claims

House Resolution 73 Claims

House Resolution 74 Claims

House Resolution 77 Appropriations

House Resolution 79 Claims

Senate Bill 48 Public Utilities

Senate Bill 57 Ways & Means

Mr. Myers moved that the Superintendent of Public Instruction be required to furnish more complete information relative to salaries of teachers in the common school system.

Without objection, said motion was withdrawn.

The committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Gilliam of the Committee on Cities of the Second Class.

S. B. 70. An Act relating to county law libraries.

H. B. 266. An Act relating to stenographers for County Attorneys in counties containing a city of the second class.

H. B. 263. An Act authorizing circuit judges in counties containing a city of the second class to appoint a secretary to the master commissioner of said court.

H. B. 260. An Act concerning city police and fire departments.

With a Committee Amendment thereto.

By Mrs. Burnett of the Committee on Juvenile Courts and Children's Homes.

H. B. 241. An Act relating to billiard and pool rooms.

By Mr. Clyde Howard of the Committee on Suffrage and Elections.

H. B. 152. An Act relating to elections.

Ordered that said bill be placed in the Orders of the Day.

H. B. 143. An Act relating to elections.

With a Committee amendment thereto.

Ordered that said bill be placed on the Clerk's desk.

By Mr. Doran of the Committee on Education.

S. B. 43. An Act relating to public education.

H. B. 135. An Act relating to education.

H. B. 245. An Act relating to purchases by Boards of Education within the Commonwealth.

By Mr. Giles of the Committee on Trade and Commerce.

H. B. 219. An Act relating to barbers.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time, with the exception of those specifically set out above, and ordered to be placed in the Calendar.

By Mr. Adron Doran of the Committee on Education.

H. B. 277. An Act relating to education.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bill by the House, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Hall.

H. B. 357. An Act relating to admission to the bar.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.030 of the Kentucky Revised Statutes is amended to read as follows:

All applicants for examination by the board of bar examiners shall possess the following qualifications before being permitted to take the examination for admission to practice law in this Commonwealth:

(1) He shall be not less than twenty-one years of age, of good moral character, and possess a high standard of integrity, and have attained the scholastic or business learning experience set forth in either subsection (2) or (3) of this Act.

(2) He shall have attended a standard college located within the United States and recognized by the Department of Education of this Commonwealth, for not less than two

full scholastic years and attained a passing grade as provided for by the rules of said college, and in addition thereto must have attended three full scholastic years at some standard college of law recognized by the American Bar Association, and shall present a certificate from said college of completion of the prescribed course of study in said college and receive a passing grade in all of the studies prescribed in said college.

(3) He, being a person of more than thirty-five years of age, must be a graduate of some standard recognized high school of this Commonwealth, which high school shall be fully accredited by the Department of Education of the Commonwealth, and shall within the ten years immediately prior to his matriculation into a college of law as provided for, shall have been elected to or appointed to the office of county judge, county clerk, circuit clerk or master commissioner of any county in this commonwealth, and shall have served not less than eight years of said ten year period in the discharge of the duties of one of the offices above named, and in addition thereto shall have have attended three full scholastic years in a college of law recognized by the American Bar Association, and shall present to the board of bar examiners a certificate from said law college that he has attained a passing grade in all studies prescribed by said college.

(4) The Court of Appeals of Kentucky shall make all necessary and proper rules to provide for the examination of applicants for examination to practice law in this Commonwealth, whenever the applicant shall present to the board of bar examiners proof of the possession of the moral and scholastic or business attainments provided for in the three foregoing subsections.

By Mr. Ernst.

H. B. 358. An Act relating to the appointment of personal representatives and amending subsec. 2 of sec. 395.015 of KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Subsection (2) of Section 395.015 of the Kentucky Revised Statutes be, and the same is hereby, repealed, amended and re-enacted so that as re-enactd the same shall read:

"(2) In case of intestacy, if there be no surviving spouse, or if such spouse waives the right of appointment or is not qualified to act and does not nominate a suitable administrator and there are more than one resident heir at law entitled to appointment, the court shall thereupon appoint a time for hearing such application. Notice of said hearing shall be given to the surviving spouse and all known heirs of the deceased residing in this state, in the manner provided in KRS 395.016, except that if it be necessary to act promptly to protect or preserve the estate of the decedent or to secure to it any claim or demand, the County Judge shall, on motion of any person mentioned in Section 395.040 of the Kentucky Revised Statutes, immediately appoint him or her as administrator, who may thereupon take any action that a regularly appointed administrator might take to protect, preserve or secure to said estate any claim or demand but such administrator shall not settle or compromise any claim or demand for or against said estate or distribute any part thereof until his appointment shall have become permanent, as herein further provided. Any person temporarily appointed as administrator, as provided in this act, may be removed for cause upon ten days notice, made by anyone mentioned in KRS 395.040, served upon him and all interested parties as provided in KRS, Sections 395.015 and 395.016.

Should no application be made to remove the temporary administrator within twenty (20) days after his appointment and qualification, said appointment shall become permanent and said administrator may proceed as though regularly appointed.

By Mr. Myers.

H. B. 359. An Act relating to the Statute Revision Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 477.090, Kentucky Revised Statutes, 1944 (Second Edition) be repealed, amended and reenacted so that when reenacted said section shall read as follows:

447.090. Functions of commission. The commission shall formulate, supervise and execute plans and methods for the continuous revision, clarification, classification, codification and arrangement of the Kentucky Revised Statutes. The commission shall report to the General Assembly whenever called upon, and shall prepare and submit to the General Assembly such consolidation and revision and other matters relating to the Kentucky Revised Statutes as can be completed from time to time.

2. That Section 447.100, Kentucky Revised Statutes, 1944 (Second Edition) be and the same is hereby repealed.

3. That Section 447.110, Kentucky Revised Statutes, 1944 (Second Edition) be repealed, amended and reenacted so that when reenacted said section shall read as follows:

447.110. Meaning of acts not to be changed by commission. The commission shall not alter the sense, meaning or effect of any Act of the General Assembly.

4. That Section 447.120, Kentucky Revised Statutes, 1944 (Second Edition) be repealed, amended and reenacted so that when reenacted said section shall read as follows:

447.120. Reviser of Statutes. The commission shall, as soon as possible after its appointment, appoint a Reviser of Statutes, who shall serve for a term of four years and until his successor is appointed and has qualified, subject to removal at any time at the discretion of the commission. The reviser shall consider, prepare, submit and assist in carrying out the plans and methods of the commission. He shall keep an accurate and complete record in the office of the commission of all legislation enacted by the General Assembly and of all bills introduced in the General Assembly, and shall study the same for the purpose of considering and determining the intention and effect thereof. He shall advise and

assist the members of the General Assembly and the various departments and agencies of the state government in the preparation and revision of all legislation and matters connected therewith. He shall, when requested by the General Assembly or either house thereof, report to the General Assembly on bills introduced, calling attention to their effect on existing legislation and to any deficiencies in their form.

5. That Section 447.140, Kentucky Revised Statutes, 1944 (Second Edition) be and the same is hereby repealed.

By Mr. Creasey.

H. B. 360. An Act relating to confinement of prisoners when not working, and providing for credit allowed on fine.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 441.190 of the Kentucky Revised Statutes is amended to read as follows:

When not worked, or if no work can be had, and if not sent to the workhouse, the prisoner shall remain in jail until the imprisonment is satisfied and the fine and costs are paid. The prisoner shall receive a credit of two dollars, towards payment of the fine and costs, for each day he remains in jail, and may pay or replevy his fine and costs at any time. In paying or replevying the fine or costs, the prisoner shall receive a credit of two dollars for each day he remained in jail.

By Mr. Wagner.

H. B. 361. An Act relating to county detectives for juvenile and divorce investigations in certain counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the statutes is created, to read as follows:

(1) In counties containing a city of the second class the county attorney may appoint a county detective for investigation of juvenile and divorce cases. The detective shall be appointed for the duration of the term of the county attorney, subject to removal by that officer at any time. He shall receive an annual salary of not less than $1500.00, nor more than $2400.00, to be fixed by the fiscal court, and paid out of the county levy.

(2) The detective appointed pursuant to subsection (1) of this section shall assist the county attorney in investigation of the evidence and facts connected with juvenile and divorce cases, and perform any other duties assigned by the county attorney. He shall have the same powers of arrest and right to execute process as sheriffs have.

By Mr. Easley.

H. B. 362. An Act relating to eligibility for public assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of Section 200.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 200.020 to 200.070, unless the context requires otherwise:

(a) "Aid to dependent children" means money payments and such services as may be necessary to provide for the welfare of dependent children; and

(b) "Dependent child" means a needy child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent.

§ 2. Section 200.020 of the Kentucky Revised Statutes is amended to read as follows:

Aid to dependent children under the provisions of KRS 200.020 to 200.070 shall be granted to any dependent child who is a resident of this state at the time of receiving aid and who has been a resident of this state for such period of

time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions.

§ 3. Section 205.020 of the Kentucky Revised Statutes is amended to read as follows:

Old Age Assistance shall be granted to any needy person who:

(1) Has attained the age of sixty-five;

(2) Is a resident of this state at the time of receiving assistance and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions;

(3) Is not at the time of receiving old age assistance an inmate of any public or private institution except for temporary medical or surgical care in a hospital; and

(4) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for old age assistance.

§ 4. Section 207.060 of the Kentucky Revised Statutes is amended to read as follows:

Aid to the needy blind shall be granted to any needy blind who:

(1) Is a resident of this state at the time of receiving aid, and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions;

(2) Is not at the time of receiving aid to the needy blind an inmate of any public or private institution of a custodial or eleemosynary nature, except in case of temporary medical or surgical care in a hospital;

(3) Has not voluntarily made an assignment or transfer of property for the purpose of rendering himself eligible for aid to the needy blind; and

(4) Is not receiving aid to dependent children as provided for in Chapter 200 nor old age assistance as provided for in KRS 205.010 to 205.080. A person receiving either aid to dependent children or old age assistance may, however, make application for aid to the needy blind, but aid to the needy blind, if granted, shall not begin until he ceases to receive aid to dependent children or old age assistance.

By Mr. Howell.

H. B. 363. An Act relating to insurance.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1—PURPOSE OF ACT

The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall be reasonable, adequate and not unfairly discriminatory, and to authorize cooperative action among insurers in rate making, and in other matters within the scope of this Act. Nothing in this Act is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating plans or practices. This Act shall be liberally interpreted to carry into effect the provisions of this Section.

Sec. 2—SCOPE OF ACT

This Act applies to all kinds, types or forms of insurance written by fire, marine, and fire and marine insurance companies on risks located in this state, including inland marine insurance and all other kinds, types, or forms of motor vehicle insurance, and applies with respect to such kinds, types or forms of insurance to inter-insurers or reciprocal underwriters regulated by Sections 302.080 to 302.140, inclusive, of the Kentucky Revised Statutes, and mutual insurers regulated by Sections 301.010 to 301.140, inclusive, of

the Kentucky Revised Statutes, and insurers operating on the Lloyd's Plan, regulated by Sections 302.150 to 302.230, inclusive, of the Kentucky Revised Statutes.

This Act shall not apply

(a) to reinsurance;

(b) to insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine insurance policies;

(c) to insurance of hulls of aircraft, including accessories and equipment, and insurance against liability for damage to property or injury to persons arising out of the ownership, maintenance or use of aircraft.

(d) The provisions of this Act shall not apply to assessment or cooperative companies operating under the provisions of Chapter 299 of the Kentucky Revised Statutes.

(e) The provisions of this Act shall not apply to Domestic Mutual Fire Insurance Companies operating in this State only, which are not subject to Sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes.

If any kind of insurance or type of coverage subject to this Act, is also subject to regulation by another rate regulatory act of this State, an insurer in its filing may designate which rate regulatory law shall be applicable to such kind of insurance or type of coverage. Insurers transacting any kind, type or form of insurance excluded from the provisions of this Act, and not otherwise regulated by law as to rates, may elect in writing to the Director to accept and become subject to the provisions thereof as to any such kind, type or form of insurance, and shall thereafter remain subject to this Act in all particulars as to any such kind, type or form of insurance for which such election has been made.

Sec. 3—RATE MAKING

Rates shall be made in accordance with the following provisions:

(a) Manual, minimum, class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.

(b) Rates shall be reasonable, adequate and not unfairly discriminatory.

(c) Consideration shall be given to past and prospective loss experience both within and outside the State, including the conflagration and catastrophe hazards, to all other relevant factors within and outside the State, to the loss trend, to a reasonable underwriting profit, and in the case of participating insurers to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, and in the case of fire insurance rates other than motor vehicle consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

(d) Every authorized insurer shall file on call by the Director, but not more frequently than once each year with such agency or agencies as the Director may approve, a statistical report showing its underwriting experience by classes in form approved by the Director. No insurer shall be required to record or report its experience on a classification plan that is inconsistent with the rating plan filed and used by it. The compilations of such reports by such agency or agencies shall be made available subject to reasonable rules promulgated by the Director to insurers and rating organizations.

(e) Every rating bureau or other insurer engaged in making rates or estimates for fire insurance on property in this State shall inspect every risk specifically rated by it upon schedule, except on inland marine insurance and insurance on motor vehicles, and make a written survey of the risk, which shall be filed as a permanent record in the office of the bureau or insurer. Upon the making of any survey, the bureau shall promptly furnish to the owner upon request a statement of the rate and of the removable defects found, with suggestions for improvements and the removing of the defects. A copy of the survey shall be furnished to the insured or his authorized agent upon request.

Sec. 4—RATE FILINGS: USE OF RATES

Rates may be used when promulgated in accordance with the following provisions:

(a) Every authorized insurer shall file with the Director, except as to classes of inland marine insurance for which class rates or rating plans are not customarily fixed by rating bureaus, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use and such other information concerning rates made or used by it as may reasonably be required. Every such filing shall indicate the character and extent of the coverage contemplated, and shall state the proposed effective date therof.

A filing shall be open to public inspection after the filing becomes effective. Where specific inland marine rates on risks specially rated are made by a rating organization such rates shall also be filed.

(b) The Director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.

(c) Subject to the exceptions specified in sub-paragraph (a) of this section, each filing shall be on file for ten days before it becomes effective, except that this waiting period with respect to a specific filing may be waived or shortened with the approval of the Director or may be extended by the Director for an additional period not to exceed twenty days if he gives written notice within such ten day period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. In the absence of disapproval of a filing by the Director, within the said ten day waiting period or extension thereof such filing shall be deemed to meet the requirments of this act.

(d) If the Director in his discretion shall determine that a filing is impractical or unnecessary as to a kind of insurance, or class of risk, or a part or combination thereof he may enter a written order suspending the requirement of filing as to such kind of insurance, class of risk or part or combination thereof until otherwise ordered by him and such order shall be made known to insurers writing such insur-

ance. The director may make such examination as he may deem advisable to ascertain whether any rates not required to be filed meet the standards set forth in Section 3 (b) of this Act.

(e) An insurer may satisfy its obligation to make filings by becoming a member of or subscriber to a rating organization, or organizations, and by authorizing the Director to receive on the insurer's behalf the filings or clearly defined portions thereof of the rating organization or organizations; provided that nothing contained in this Act shall be construed as requiring an insurer to become a member of or a subscriber to any rating organization.

(f) A rate in excess of that provided by filings may be used on any specific risk with the written consent of the insured if such rate and consent are filed promptly with the Director and the rate is not disapproved by him.

(g) Beginning ninety days (90) after the effective date of this Act, no insurer shall make or issue a contract or policy except in conformity with this Act or in accordance with Sub-section (d) of this Section.

Sec. 5—DISAPPROVAL OF FILINGS: REMOVAL OF UNFAIR DISCRIMINATION.

(a) If within the ten day period or extension thereof, as provided in sub-paragraph (c) of Section 4, the Director finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act, and stating that such filing shall not become effective.

(b) If at any time thereafter the Director finds that an effective filing does not meet the requirements of this Act, he may, after a hearing held on not less than twenty (20) days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when, within a reasonable

period thereafter, such filing shall be deemed no longer effective. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order. However, if at any time the Director finds that an unfair discrimination exists in the application of a filing to an individual risk he may, after a hearing held on like notice to the insurer affected and to any rating organization which made such filing issue an order that such discrimination be removed. Copies of any such order shall be sent to every such insurer and rating organization.

Sec. 6—RATING ORGANIZATIONS.

(a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside the State, may make application to the Director for license as a rating organization for such kinds of insurance or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws and rules governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of the State upon whom notices or orders of the Director or process affecting such rating organization may be served and (4) a statement of its qualification as a rating organization. If the Director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its by-laws and rules governing the conduct of its business conform to the requirements of this Act, he shall issue a license specifying the kinds of insurance, class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Director within sixty days (60) of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect until suspended or revoked by the Director. The fee for said license shall be Twenty-Five Dollars ($25.00). Licenses issued pursuant to this Section may be revoked by the Director, after hearing

upon notice, in the event the rating organization ceases to meet the requirements of this Sub-section.

(b) Subject to rules and regulations, which have been approved by the Director as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance, class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The refusal of any rating organization to admit an insurer as a subscriber or the reasonableness of any rule or regulation applicable to a subscriber shall, at the request of such insurer, be reviewed by the Director at a hearing held upon at least ten days' written notice to such rating organization and such insurer. If the Director finds that the insurer should be admitted as a subscriber he shall issue an order to that effect. Every rating organization shall notify the Director promptly of every change in the list of its members and subscribers and of every change in its constitution, its articles of agreement or association or its by-laws and rules governing the conduct of its business.

(c) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(d) Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance, or the cancellation thereof, upon any or all classes of insurance covered by its license and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days (60) furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the Director thereof. All

information so submitted for examination shall be confidential.

(e) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

(f) The Director shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this State. The reasonable costs of such examination shall be paid by the rating organization examined upon presentation to it of a detailed account of such cost. The officers, managers, agents and employees of such rating organization may be examined under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The Director may waive such examination upon proof that such rating organization has, within a reasonably recent period, been examined by the insurance supervisory official of another State, pursuant to the laws of such State, and upon the filing with the Director of a copy of the report of such examination.

Sec. 7—DEVIATIONS

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Director for permission to file a uniform deviation from the rates, schedules, rating methods or rules respecting any kind of insurance or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The Director shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the Director is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. In considering the application for permission to file such deviation the Director shall give consideration to the available statistics and the principles for rate making as provided in Section 3

of this Act. The Director shall issue an order permitting the deviation for such insurer to be filed if he finds it to be justified. He shall issue an order denying such application if he finds that the resulting premiums would be inadequate, unreasonable or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the Director.

Sec. 8—APPEAL BY MINORITY

Any member of or subscriber to a rating organization may appeal to the Director from the decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the Director shall, after a hearing held on not less than ten days' written notice to the appellant and to such rating organization, issue an order affirming or reversing the decision of such rating organization.

Sec. 9—ADMINISTRATIVE POWERS

(a) Interchange of Rating Plan Data.

Reasonable rules and plans may be promulgated by the Director for the interchange of loss experience necessary for the application of rating plans.

(b) Consultation with Other States.

In order to further uniform administration of rating laws, the Director and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with them with respect to rate-making and the application of rating systems.

(c) Rules and Regulations.

The Director may make reasonable rules and regulations necessary to effect the purposes of this Act.

Sec. 10—FALSE OR MISLEADING INFORMATION

No person or organization shall knowingly give false or misleading information to the Director or to any statistical agency designated by the Director, or to any rating organization, or to any insurer which will in any way affect the rates or premiums chargeable under this Act. A violation of this

section shall subject the one guilty of such violation to the penalties provided for in Section 11 of this Act.

Sec. 11—PENALTIES

Any person or organization who wilfully violates any provision of this Act shall, upon conviction, be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00); such penalties may be in addition to any other penalty provided by law.

The Director may suspend the license of any rating organization or insurer which fails to comply with an order of the Director within the time limited by such order, or any extension thereof which the Director may grant. The Director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The Director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed.

No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the Director, stating his findings, made after a hearing held upon not less than ten days' (10) written notice to such person or organization specifying the alleged violation.

Sec. 12—HEARING PROCEDURE AND JUDICIAL REVIEW

(a) Any insurer or rating organization aggrieved by any order or decision of the Director made without a hearing may, within thirty days (30) after notice of the order to the insurer or organization, make written request to the Director for a hearing thereon. The Director shall hear such party or parties within twenty (20) days after receipt of such request and shall give not less than ten (10) days' written notice of the time and place of the hearing. Within fifteen (15) days after such hearing the Director shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the Director

may suspend or postpone the effective date of his previous action.

(b) Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.

(c) Any order or decision of the Director shall be subject to review by appeal to the Franklin Circuit Court at the instance of any party in interest, who shall, within twenty (20) days after such order or decision has become final, file a petition for review in said Court. The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing. Summons shall issue, upon the petition, directing the adverse party to file answer within fifteen (15) days after service thereof, and directing the Director to certify to the Court the complete record of the proceedings upon which such order or decision is based.

No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order or decision appealed from, but the Court shall otherwise hear the cause upon the record as certified by the Director. Such appeal shall not be limited to questions of law. The Court shall determine whether the appeal shall operate as a stay of any such order or decision of the Director. The Court may, in disposing of the issue before it, affirm, modify, or reverse the order or decision of the Director in whole or in part, or remand the action to the Director for further proceedings in accordance with the direction of the Court.

Sec. 13—LAW AMENDED

Sub-section (3) of Section 302.080 of the Kentucky Revised Statutes is amended to read as follows:

"Except as provided in KRS 136.370, 296.320, 302.080 to 302.140 and in this Act no law of this State relating to insurance shall apply to the exchange of indemnity contracts as regulated by KRS 302.080 to 302.140."

Sec. 14—LAWS REPEALED

Sections 298.240, 298.250, 298.260, 298.270, 298.280, 298.290 and 298.300 of the Kentucky Revised Statutes are hereby repealed. All other laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 15—CONSTITUTIONALITY

If any Section, Sub-Section, Sub-division, Paragraph, Sentence or Clause of this Act is held invalid or unconstitutional such decision shall not affect the remaining portions of this Act.

Sec. 16—EFFECTIVE DATE

This Act shall take effect on the 1st day of October, 1947.

By Mr. Howell.

H. B. 364. An Act relating to insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1—PURPOSE OF ACT

The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall be reasonable, adequate and not unfairly discriminatory, and to authorize cooperative action among insurers in rate making and in other matters within the scope of this Act. Nothing in this Act is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit or encourage, except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating plans or practices. This Act shall be liberally interpreted to carry into effect the provisions of this Section.

Sec. 2—SCOPE OF ACT

This Act applies to all kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this State, including fidelity, surety and guaranty bonds and all other kinds, types or forms of motor vehicle insurance, except reinsurance, accident and health insurance, credit insurance, title insurance and insurance

against loss of or damage to, or against liability, other than Workmen's Compensation and Employers' Liability, arising out of the ownership, maintenance or use of, any aircraft. With respect to such kinds, types or forms of insurance, this Act applies to all classes of companies including inter-insurers or reciprocal underwriters regulated by Sections 302.080 to 302.140, inclusive, of the Kentucky Revised Statutes, mutual insurers regulated by sections 301.010 to 301.140, inclusive, of the Kentucky Revised Statutes, and insurers operating on the Lloyd's Plan, regulated by Sections 302.150 to 302.230, inclusive, of the Kentucky Revised Statutes. This Act shall not apply to assessment or co-operative companies organized or operating under Chapter 299 of the Kentucky Revised Statutes. If any kind of insurance, subdivision or combination thereof, or type of coverage, subject to this Act is also subject to regulation by another rate regulatory Act of this State, an insurer to which both Acts are otherwise applicable shall file with the Director of Insurance, hereinafter referred to as Director, a designation as to which rate regulatory Act shall be applicable to it with respect to such kind of insurance, subdivision or combination thereof, or type of coverage. Insurers transacting any kind, type or form of insurance excluded from the provisions of this Act, and not otherwise regulated by law as to rates, may elect in writing to the Director to accept and become subject to the provisions thereof as to any such kind, type or form of insurance, and shall thereafter remain subject to this Act in all particulars as to any such kind, type or form of insurance for which such election has been made.

Sec. 3—MAKING OF RATES

(a) All rates shall be made in accordance with the following provisions:

1—Due consideration shall be given to past and prospective loss experience within and outside the State, to catastrophe hazards, if any, to a reasonable margin for profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, and to all other relevant factors within and outside the State;

2—The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provision are applicable;

3—Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both;

4—Rates shall be reasonable, adequate and not unfairly discriminatory.

(b) Except to the extent necessary to meet the provisions of Subdivision 4 of Subsection (a) of this Section, uniformity among insurers in any matters within the scope of this Section is neither required nor prohibited.

Sec. 4—FILING OF RATES AND RATING INFORMATION

(a) Every insurer shall file with the Director every manual of classifications, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every such filing shall state the proposed effective date thereof, shall indicate the character and extent of the coverage contemplated and shall be accompanied by the information upon which the insurer supports the filing. A filing and supporting information shall be open to public inspection after the filing becomes effective.

(b) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the Director to accept such filings on its behalf; provided, that nothing contained in this Act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

(c) The Director shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Act.

(d) Subject to the exception specified in subsection (e) of this section, each filing shall be on file for a waiting period of ten days before it becomes effective, which period may be extended by the Director for an additional period not to exceed twenty days if he gives written notice within such ten day period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the Director may allow a filing which he has reviewed to become effective before the expiration of the ten day period or any extension thereof. A filing shall be deemed to meet the requirements of this Act unless disapproved by the Director within the waiting period or any extension thereof.

(e) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall then be deemed to meet the requirements of this Act unless disapproved by the Director.

(f) Under such rules and regulations as he shall adopt the Director may, by written order, suspend or modify the requirement of filing as to any kind, type or form of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used, or are not customarily made by rating organizations. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The Director may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in subdivision 4 of subsection (a) of Section 3.

(g) A rate in excess of that provided by filing may be used on any specific risk with the written consent of the insured if such rate and consent are filed promptly with the Director, and the rate is not disapproved by him.

(h) Beginning ninety days after the effective date of this Act no insurer shall make or issue a contract or policy except in accordance with filings which are in effect for said insurer as provided in this Act or in accordance with subsections (f) or (g) of this Section.

Sec. 5—DISAPPROVAL OF FILINGS; REMOVAL OF UNFAIR DISCRIMINATION

(a) If within the waiting period or extension thereof as provided in subsection (d) of Section 4, the Director finds that a filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this Act and stating that such filing shall not become effective.

(b) If within thirty days after a special surety or guaranty filing subject to subsection (e) of Section 4 has become effective, the Director finds that such filing does not meet the requirements of this Act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of this Act and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

(c) If at any time subsequent to the applicable review period provided for in subsection (a) or (b) of this section, the Director finds that a filing does not meet the requirements of this Act, he may, after a hearing held upon not less than twenty days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this Act, and stating when within a reasonable period thereafter, such filing shall be deemed no longer effective. Said order shall not affect any contract or policy made or issued prior to the expiration of the period

set forth in said order. If, however, the Director finds that an unfair discrimination exists in the application of a filing to an individual risk he may, after a hearing held on like notice to the insurer affected and to any rating organization which made such filing, issue an order that such discrimination be removed.

Copies of any order issued hereunder shall be sent to every such insurer and rating organization.

Sec. 6—RATING ORGANIZATIONS

(a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside the State, may make application to the Director for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file therewith (1) a copy of its Constitution, its Articles of Agreement or Association or its Certificate of incorporation, and of its By-laws and Rules governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of the State upon whom notices or orders of the Director or process affecting such rating organization may be served, and (4) a statement of its qualification as a rating organization. If the Director finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its Constitution, Articles of Agreement or Association or Certicate of Incorporation, and its By-laws and Rules governing the conduct of its business conform to the requirements of this Act, he shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the Director within sixty days of the date of its filing with him. Licenses issued pursuant to this Section shall remain in effect until suspended or revoked by the Director. The fee for said license shall be Twenty Five Dollars. Licenses issued pursuant to this Section may be suspended or revoked by the Director, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this Subsection.

(b) Subject to rules and regulations which have been approved by the Director as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The refusal of any rating organization to admit an insurer as a subscriber, or the reasonableness of any rule or regulation applicable to a subscriber, shall, at the request of any such insurer or subscriber, be reviewed by the Director at a hearing held upon at least ten days' written notice to such rating organization, insurer or subscriber. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the Director as if the application had been rejected. If the Director finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall make an order directing the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action. Every rating organization shall notify the Director promptly of every change in (1) its Constitution, its Articles of Agreement or Association or its Certificate of Incorporation, and its By-laws and rules governing the conduct of its business, (2) its list of members and subscribers and (3) the name or address of the resident of the State designated by it upon whom notices or orders of the Director or process affecting such rating organization may be served.

(c) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(d) The Director shall, at least once in four years, make or cause to be made an examination of each rating organiza-

tion licensed in this State. The reasonable costs of such examination shall be paid by the rating organization examined upon presentation to it of a detailed account of such cost. The officers, managers, agents and employees of such rating organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The Director may waive such examination upon proof that such rating organization has, within a reasonably recent period, been examined by the insurance supervisory official of another State, pursuant to the laws of such State, and upon the filing with the Director of a copy of the report of such examination.

Sec. 7—DEVIATIONS

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the Director for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The Director shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof. In the event the Director is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The Director shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified. He shall issue an order denying such application if he finds that the resulting premiums would be inadequate, unreasonable or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the Director.

Sec. 8—APPEAL BY MINORITY

Any member of or subscriber to a rating organization

may appeal to the director from the decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the Director shall, after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization, issue an order approving the decision of such rating organization or directing it to give further consideration to such proposal. If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions which differs, in accordance with the right granted in Sub-division (2) of Sub-section (a) of Section 3, from the system of expense provisions included in a filing made by the rating organization, the Director shall, if he grants the appeal, order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the Director shall apply the standards set forth in Section 3.

Sec. 9—INFORMATION TO BE FURNISHED INSURERS; HEARINGS AND APPEALS OF INSUREDS

Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any person affected by a rate made by it, or to the authorized representative of such person, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this State reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the Director, who,

after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.

Sec. 10—RATE ADMINISTRATION

(a) Recording and Reporting of Loss and Countrywide Expense Experience.

The Director may promulgate reasonable rules and statistical plans, reasonably adapted to each of the rating systems on file with him, which may be modified from time to time and which shall be used thereafter by each insurer in the recording and reporting of its loss and countrywide expense experience, in order that the experience of all insurers may be made available at least biennially in such form and detail as may be necessary to aid him in determining whether rating systems comply with the standard set forth in Section 3. In promulgating such rules and plans, the Director shall give due consideration to the rating systems on file with him and, in order that such rules and plans may be as uniform as is practicable among the several States, to the rules and to the form of the plans used for such rating systems in other States. No insurer shall be required to record or report its loss experience on a classification basis that is inconsistent with the rating system filed by it. The director may designate one or more rating organizations or other agencies to assist him in gathering such experience and making compilations thereof, and such compilations shall be made available, subject to reasonable rules promulgated by the Director, to insurers and rating organizations.

(b) Interchange of Rating Plan Data.

Reasonable rules and plans may be promulgated by the Director for the interchange of loss experience necessary for the application of rating plans.

(c) Consultation with Other States.

In order to further uniform administration of rating laws, the Director and every insurer and rating organization may exchange information and experience data with insurance supervisory officials, insurers and rating organizations in other states and may consult and cooperate with

them with respect to rate making and the application of rating systems.

(d) Rules and Regulations.

The Director may make reasonable rules and regulations necessary to effect the purposes of this Act.

Sec. 11—FALSE OR MISLEADING INFORMATION

No person or organization shall knowingly give false or misleading information to the Director, to any statistical agency designated by the Director, to any rating organization, or to any insurer, which will in any way affect the rates or premiums chargeable under this Act. A violation of this Section shall subject the one guilty of such violation to the penalties provided in Section 13 of this Act.

Sec. 12—REBATES PROHIBITED

No insurer or employee thereof, and no agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the applicable filing on file with the Director. No insurer or employee thereof, and no agent shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly as an inducement to insurance, or after insurance has been affected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in such applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, or reduction of premium, or any special favor or advantage or valuable consideration or inducement. Nothing herein contained shall be construed as prohibiting the payment of commissions or other compensation to duly licensed agents and brokers, nor as prohibiting any participating insurer from distributing to its policyholders dividends, savings or the unused or unabsorbed portion of premiums and premium deposits.

As used in this Section the word "insurance" includes suretyship and the word "policy" includes bond.

Sec. 13—PENALTIES

Any person or organization who wilfully violates any provision of this Act shall, upon conviction, be fined not less than Twenty-Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00). Such penalty may be in addition to any other penalty provided by law.

The Director may suspend the license of any rating organization or insurer which fails to comply with an order of the Director within the time limited by such order, or any extension thereof which the Director may grant. The Director shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The Director may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed. No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the Director, stating his findings, made after a hearing held upon not less than ten days' written notice to such person or organization specifying the alleged violation.

Sec. 14—HEARING PROCEDURE AND JUDICIAL REVIEW.

(a) Any insurer or rating organization aggrieved by any order or decision of the Director made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the Director for a hearing thereon. The Director shall hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing. Within fifteen days after such hearing the Director shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the Director may suspend or postpone the effective date of his previous action.

(b) Nothing contained in this Act shall require the observance at any hearing of formal rules of pleading or evidence.

(c) Any order or decision of the Director shall be subject to review by appeal to the Franklin Circuit Court at the instance of any party in interest, who shall, within twenty days after such order or decision has become final, file a petition for review in said court. The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing. Summons shall issue, upon the petition, directing the adverse party to file answer within fifteen days after service thereof, and directing the Director to certify to the court the complete record of the proceedings upon which such order or decision is based.

No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this Act and affecting the order or decision appealed from, but the court shall otherwise hear the cause upon the record as certified by the Director. Such appeal shall not be limited to questions of law. The court shall determine whether the appeal shall operate as a stay of any such order or decision of the Director. The court may, in disposing of the issue before it, affirm, modify, or reverse the order or decision of the Director in whole or in part, or remand the action to the Director for further proceedings in accordance with the direction of the Court.

Sec. 15—LAWS AMENDED AND REPEALED

Sub-section (3) of Section 302.080 of the Kentucky Revised Statutes is amended to read as follows:

"(3) Except as provided in KRS 136.370, 296.320, 302.080 to 302.140 and in this Act no law of this State relating to insurance shall apply to the exchange of indemnity contracts as regulated by KRS 302.080 to 302.140."

All other laws or parts of laws in conflict or inconsistent with the provisions of this Act are hereby repealed.

Sec. 16—CONSTITUTIONALITY

If any Section, Sub-section, Sub-division, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall not affect the remaining portions of this Act.

Sec. 17—EFFECTIVE DATE.

This Act shall take effect October 1, 1947.

By Mr. W. R. Smith.

H. B. 365. An Act relating to the financial responsibility of owners and operators of motor vehicles.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Revenue.

(2) "Motor vehicle" means any vehicle required to be registered under the provisions of KRS 186.020.

§ 2. No motor vehicle, except one owned by the state or a political subdivision thereof, or by the Federal Government, shall be registered under the provisions of KRS 186.020 to 186.050 unless the application for registration is accompanied by a certificate of proof of the owner's ability to respond in damages as provided in this Act, nor shall any receipt showing transfer of registration on change of ownership of such a motor vehicle be issued under the provisions of KRS 186.190 unless the purchaser, at the time of applying for the transfer of registration, presents such a certificate of proof of his ability to respond in damages.

§ 3. Proof of ability to respond in damages as contemplated by Section 2 of this Act shall be proof of the owner's ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use, by the owner or by any other person with his express or implied consent, of the motor vehicle sought to be registered, in the amount of five thousand dollars because of

bodily injury to or death of any one person, and, subject to said limit respecting one person, in the amount of ten thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of one thousand dollars because of injury to or destruction of property in any one accident. Such proof in such amounts shall be furnished for each motor vehicle registered by any person.

§ 4. The certificate of proof of ability to respond in damages, required by Section 2 of this Act, may consist of any one of the following:

(1) A certificate of an insurance company authorized to do business in this state, that it has issued to or for the benefit of the person named in the certificate a motor vehicle liability policy meeting the requirements of Sections 5 and 6 of this Act which, at the date of the certificate, is in full force and effect and which, unless cancelled is provided in Section 10 of this Act, will continue in full force and effect until the following March 1. The certificate shall designate, by explicit description or by other adequate reference, all motor vehicles to which the policy applies, and shall specify the name, address and business of the insured, the kind of insurance afforded by the policy, the premium charged for it, the policy period and the limits of liability. The certificate shall cover the motor vehicle sought to be registered, and may cover more than one or all of the motor vehicles owned by the insured. The certificate shall certify that the policy described in the certificate will not be cancelled except as provided in Section 10 of this Act, and that the policy complies with the requirements of this Act. The issuance of such a certificate shall be conclusive evidence that the policy described in the certificate conforms to all the requirements of this chapter.

(2) A certificate of the Department of Revenue that the person applying for registration of the motor vehicle has filed with the Department a bond meeting the requirements of Section 7 of this Act and covering the vehicle sought to be registered.

(3) A certificate of the Department of Revenue that

the person applying for registration of the motor vehicle has deposited with the department money or securities meeting the requirements of Section 8 of this Act.

(4) In the case of a motor vehicle to be operated by a common carrier or contract carrier of passengers or property, a certificate of the Division of Motor Transportation that the person applying for registration has filed with the division a bond, insurance policy or deposit meeting the requirements of KRS 281.080 and 281.230 and covering the vehicle sought to be registered.

§ 5. (1) A motor vehicle liability policy, in order to constitute proof of ability to respond in damages under the provisions of this Act, shall meet the following requirements:

(a) It shall specify the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged, the policy period and the limits of liability. It shall designate by explicit description or appropriate reference all motor vehicles in respect to which coverage is granted.

(b) It shall insure the person named in it and any other person using or responsible for the use of the motor vehicle with the express or implied permission of the insured.

(c) It shall insure every person on account of the maintenance, use or operation of the motor vehicle within the continental limits of the United States or Canada against loss from the liability imposed by law arising from maintenance, use or operation, to the extent required by Section 3 of this Act, exclusive of interest and costs, with respect to each motor vehicle.

(d) It shall contain an agreement that the insurance is provided in accordance with the coverage defined in this Act respecting bodily injury, death or property damage, or both, and that it is subject to all the provisions of this Act.

(2) The policy may grant any lawful coverage in excess of or in addition to the coverage specified in this section, and contain any lawful agreements, provisions or stipulations consistent with this Act.

(3) No policy intended to be used as proof of ability to respond in damages shall be issued by any insurance

company unless the form of this policy has been approved by the Division of Insurance, and no insurance company shall issue any certificate of the kind contemplated by subsection (1) of Section 4 of this Act unless the form of the policy described in the certificate has been approved by the Division of Insurance.

§ 6. Every motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act shall be subject to the following provisions, whether or not they are contained in the policy:

(a) The liability of the insurer shall become absolute whenever loss or damage covered by the policy occurs and the saisfaction by the insured of a final judgment for loss or damage shall not be a condition precedent to the right or obligation of the insurer to make payment on account of the loss or damage.

(b) The insurer may settle any claim covered by the policy, and if a settlement is made in good faith, the amount of it shall be deductible from the limits of liability specified in the policy.

(c) No policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after the insured has become responsible for the loss or damage and any such cancellation or annulment shall be void.

(d) The policy, the written application, if any, and any rider or indorsement which does not conflict with this chapter shall constitute the entire agreement between the parties.

(2) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy. If the policy provides for limits in excess of the limits specified in Sec. 2 of this Act, the insurer may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance

thereunder with other applicable valid and collectible insurance.

§ 7. (1) Any person desiring to furnish proof of ability to respond in damages by means of a bond shall file with the Department of Revenue a bond of a surety company authorized to transact business in this state, or a bond with at least two individual sureties, each of whom owns real estate within this state, and which real estate shall be scheduled in the bond. In the case of a bond with such individual sureties, the bond must be approved by the county judge or circuit judge of the county in which the scheduled real estate is located.

(2) Any bond filed pursuant to subsection (1) of this section shall be conditioned for payment within the limits specified in Section 3 of this Act, by the principal in the bond or by any person using or responsible for the use of the motor vehicle with the express or implied consent of the principal, of any final judgment against such principal or other person on account of bodily injury, death or property damage resulting from the maintenance, use or operation of the motor vehicle described in the bond.

(3) A bond with individual sureties filed pursuant to subsection (1) of this section shall constitute a lien in favor of the state upon the scheduled real estate of the sureties, and the lien shall exist in favor of any holder of a final judgment for damages against the principal in the bond or against any person using or responsible for the use of the motor vehicle described in this bond with the express or implied consent of the principal, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the bond. The lien shall run from the time of filing of notice to that effect by the department in the office of the county court clerk of the county in which the real estate is located. The county court clerk shall record such notice of lien in a book to be kept for that purpose, styled "Motor Vehicle Responsibility Liens." The clerk shall receive a fee of one dollar for recording each such notice of lien, to be paid by the person filing the bond.

§ 8. Any person desiring to furnish proof of ability to respond in damages by means of a deposit of money or securities shall deposit with the Department of Revenue the sum of ten thousand dollars in cash, or securities approved by the Commissioner of Revenue having a value of not less than ten thousand dollars, and at the same time shall execute a statement, upon a form prescribed by the department, to the effect that the deposit is made in accordance with and subject to the provisions of this Act, and that the money or securities so deposited may be applied, within the limits specified in Section 3 of this Act, in payment of any final judgment for damages that may be rendered against such person, or against any other person using or responsible for the use of the motor vehicle described in such statement, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the statement. The Department of Revenue shall issue a receipt for the money or securities so deposited, and shall deliver the money or securities to the State Treasurer to be held in a separate account for the purposes set forth in this Act. The department shall not accept any deposit under this section unless it is accompanied by evidence that there are no unsatisfied judgments against the depositor of record in the office of the county court clerk or circuit court clerk of the county in which the depositor resides.

§ 9. (1) Upon the filing of a bond pursuant to Section 7 of this Act, or upon the making of a deposit pursuant to Section 8 of this Act, the Department of Revenue shall issue an appropriate certificate to the person filing the bond or making the deposit, for presentation to the county court clerk as provided in Section 4 of this Act.

(2) A bond, money or securities filed or deposited under the provisions of section 7 or 8 of this Act shall be held by the Department of Revenue (or State Treasurer) to satisfy any execution issued against the person filing the bond or making the deposit, on a judgment for damages arising out of the ownership, maintenance, use or operation of the motor vehicle covered by the bond or deposit, or issued

against any person using or responsible for the use of such motor vehicle with the express or implied consent of the owner of the vehicle, on a judgment for damages arising out of the maintenance, use or operation of the motor vehicle by such person. Money or securities so deposited and held shall not be subject to attachment or execution unless the attachment or execution arises out of such a suit for damages. If such a judgment rendered against a person covered by a bond filed under Section 7 of this Act is not satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against the sureties on the bond, including, in the case of a bond with individual sureties, an action to foreclose the lien upon the real estate scheduled in the bond.

§ 10. (1) No motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act may be cancelled during the policy period, and no bond filed pursuant to Section 7 of this Act may be cancelled or withdrawn during the license year for which it was filed, except for one of the following causes:

(a) Any cause which would authorize or require the Department of Revenue to suspend or revoke the operator's license of the owner of the vehicle covered by the policy or bond.

(b) Entry of a civil judgment against the owner of the vehicle or against any other person covered by the policy or bond, for damages for bodily injury, death or property damage resulting from the use or operation of the motor vehicle covered by the policy.

(c) Violation by the insured of a lawful provision of the policy.

(d) A cause which, in the opinion of the Department of Revenue, constitutes an adequate reason for cancellation.

(2) Any insurer or surety desiring to cancel such a policy or bond shall give written notice to the Department of Revenue, stating a date, not sooner than ten days after the date on which such notice is given, as of which the can-

cellation is proposed to become effective. The notice shall be accompanied with a statement of the cause for which the cancellation is to be made. If the department is satisfied that the cause is a proper one, it shall forthwith suspend the registration certificate of the motor vehicle covered by the policy or bond, and the certificate shall remain suspended until the owner of the vehicle gives new proof of his ability to respond in damages in accordance with this Act. If the department is not satisfied that the cause is a proper one, it shall so notify the insurer or surety, and the cancellation shall not become effective. When a registration certificate is suspended under the provisions of this section, the department shall so notify the county clerk by whom the certificate was issued.

§ 11. Certificate presented to the county court clerk pursuant to section 4 of this Act shall be filed by the clerk with the registration records of the persons by whom the certificates were presented, and shall be kept on file and not returned to the registrant. For his services under this section the county court clerk shall be entitled to a fee of fifty cents for each certificate filed by him, to be paid by the person presenting the certificate.

§ 12. No certificate of proof of ability to respond in damages shall be valid, for the purpose of authorizing registration or transfer of registration of a motor vehicle, for any registration year other than the registration year for which it was issued, which year shall be stated in the certificate. Where proof of ability to respond in damages has been made by the filing of a bond, the Department of Revenue may issue a certificate for a subsequent registration year only upon the filing of a new bond meeting the requirements of this Act. Where proof of ability to respond in damages has been made by a deposit of money or securities, the Department of Revenue may issue a certificate for a subsequent registration year upon the same deposit, if the depositor executes a new statement, in accordance with the provisions of Section 8 of this Act, for such subsequent registration year, and presents satisfactory evidence that there is no claim outstanding against him, or against any person who has oper-

ated the motor vehicle with his consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the expiring or immediately expired registration year.

§ 13. Where, during any registration year, the person in whose name a motor vehicle has been registered sells or otherwise parts with ownership of the vehicle, and acquires another motor vehicle which he desires to register, the county court clerk may register the same upon presentation of satisfactory proof of the sale or other disposition of the original motor vehicle, and

(1) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by an insurance company, presentation of a certificate from such company that it has issued an endorsement or rider to the original policy, covering the motor vehicle proposed to be registered; or

(2) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Revenue upon a bond filed with the department, presentation of a new certificate from the department certifying that the bond has been endorsed, by the principal and sureties, to cover the vehicle proposed to be registered; or

(3) In a case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Revenue upon a deposit of money or securities, presentation of a new certificate from the department certifying that the depositor has executed an amended statement covering the vehicle proposed to be registered; or

(4) In any case, presentation of any new certificate of proof of ability to respond in damages meeting the requirements of this Act.

§ 14. Money or securities deposited pursuant to Section 8 of this Act may be returned to the person entitled thereto, upon the furnishing of satisfactory evidence that there is no claim outstanding against the depositor, or against any person who has operated the motor vehicle with his consent, for damages arising out of the maintenance, use or

operation of the motor vehicle covered by the deposit during the registration period covered by the deposit, in any of the following events:

(1) The death of the depositor.

(2) Presentation of proof that the depositor has sold or otherwise disposed of the vehicle covered by the deposit.

(3) Presentation of proof that the depositor has furnished another form of proof of ability to respond in damages, meeting the requirements of this Act, covering the same vehicle.

(4) Surrender of the registration certificate for the vehicle covered by the deposit.

(5) The expiration of the registration year for which the deposit was made.

§ 15. Any person whose registration certificate has been suspended under the provisions of Section 10 of this Act shall, upon request of the Department of Revenue, immediately return to the department the registration certificate and the number plates. If any person willfully fails to return to the department such certificate and plates, the department shall forthwith direct any peace officer to secure possession and return them to the department.

§ 16. An insurance company which has issued a motor vehicle liability policy meeting the requirements of this Act shall, upon request of the insured and without charge, deliver to the insured a certificate that complies with subsection (1) of Section 4 of this Act, but not more than one such certificate shall be issued for any policy, except as provided in subsection (1) of Section 13 of this Act.

§ 17. No person shall forge or sign without authority, any evidence of ability to respond in damages required by this Act.

§ 18. The Department of Revenue shall make rules and regulations necessary for the enforcement and administration of this Act.

§ 19. This Act shall not prevent a plaintiff from relying for security upon the other processes provided by law.

§ 20. Any person who violates any of the provisions of this Act shall be fined not less than one hundred dollars

nor more than one thousand dollars, or imprisoned for not more than ninety days, or both.

§ 21. Sections 187.010 to 187.990 of the Kentucky Revised Statutes of 1944 are repealed.

§ 22. This Act shall take effect on March 1, 1947.

By Mr. Phillips.

H. B. 366. An Act relating to motor vehicles, trailers, semi-trailers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Upon the filing of application for registration, exhibition of certificate of title and payment of the fees hereinafter provided the department shall furnish to each county clerk containers and blanks for registration certificates as provided for in this section which shall be approximately four inches in length by two and three fourths inches in width and shall be in the form of three certificates for each vehicle, one which shall be of the color white, and known and designated as certificate No. 1. One shall be of the color pink which shall be known and designated as certificate No. 2 and one which shall be of the color blue which shall be known and designated as certificate No. 3. Certificate No. 1 shall contain on its face the following information and date which shall be clear and legible, free from erasures, changes, alterations or mutilations of any kind; the name of the registered owner of the vehicle, his post-office address and a complete description of such vehicle as is set forth in his application for registration. Such certificate shall contain a blank space for the signature of the registered owner and his signature shall be affixed thereto in the presence of such officer issuing the same. Certificate No. 2 shall contain the same information as certificate No. 1 on one side of said certificate with the signature of the owner affixed thereto as on certificate No. 1 and on the reverse side of said certificate No. 2 there shall be a blank provided for the giving of a notice to the commissioner by the registered owner in

case of transfer of ownership or an interest therein by a bill of sale or a mortgage thereon. Such blank to be valid must be signed by the registered owner and the transferee shall also sign, acknowledging the receipt of such assignment of such vehicle and requesting that the same be registered in his name giving his residence and post-office address. Transferor and transferee shall execute the same before a notary public in order to validate the same. Certificate No. 2 shall be surrendered to the county clerk properly executed when change of ownership is made covering any vehicle and in the event of a mortgage, certificate No. 2 properly executed shall be surrendered to the proper officer as provided herein. Certificate No. 3 shall contain such data and information as may be required to carry out the purpose and intent of this Act and as prescribed by the commissioner. Said certificates when issued shall be valid only for the calendar year in which issued. Upon the payment of the required registration fee for such vehicle certificate No. 1 shall be by the officer issuing the same placed in a container prescribed by law and furnished by such officer for such a purpose by the commissioner and such certificate in said container delivered to the owner of such vehicle. Certificate No. 2 if no existing mortgage or lien thereon shall be delivered to the owner of such vehicle, but if an existing mortgage or lien is shown thereon said certificate No. 2 shall be by such officer immediately forwarded to the department for filing and record and in that event certificate No. 3 shall be delivered to the owner of such vehicle. Certificate No. 3, if no existing mortgage or lien is shown, shall be immediately forwarded to the department and certificate No. 2 delivered to the owner of such vehicle. No mortgage shall be entitled to filing or record unless it shall be accompanied by certificate No. 2, duly executed, except that if such mortgage is subject to a then existing mortgage on such vehicle and such subsequent mortgage sets out in the body thereof that it is subject to such existing mortgage and it is accompanied by the affidavit of the mortgagor and mortgagee setting out the facts: And provided further, That such affidavit is on the blank form prescribed by the commissioner, then in that

event such subsequent mortgage shall be entitled to filing and record. Certificate No. 2 when accompanying a mortgage for filing or record shall be by such officer receiving the same immediately forwarded to the department and the department shall return to such officer certificate No. 3 relating to such vehicle and then the same shall be delivered to the owner of such vehicle. For each certificate and container and for each change of certificates by such officers a fee of fifty cents shall be paid; ten cents of such fees shall be retained by the local officers and forty cents paid to the department. Such remittance to the department shall be made the first day of each month.

§ 2. Such certificate No. 1 shall be enclosed in a suitable container to be furnished by the department. Said container shall correspond with the registration plates of such vehicle and have and bear thereon the numbers, letters and figures the same as shown on such registration number plate. Said container shall be substantially constructed and so arranged that the certificate of registration may be removed only by the mutilation of such certificate and without breaking or mutilating of said container. Said certificate and said container shall be securely fastened in the driver's compartment or steering wheel post of the vehicle for which it is issued in a place therein where it is at all times clearly visible. It shall be unlawful for any person to purposely break or mutilate in any manner whatsoever said container or to alter, change or mutilate in any way whatsoever the certificate therein contained except the officer placing said certificate in said container, who may remove, mutilate or destroy such certificate or said container, or both. In the event that such container be broken or mutilated in any manner or the certificate contained therein torn, injured or mutilated in any manner whatsoever it shall be the duty of such owner of such vehicle to procure a new one or duplicate thereof immediately: *Provided,* That upon the violation of the provisions contained in this section or any part thereof, or if the name of the party registered is fictitious or the address given is fictitious then it shall be and is hereby made the duty of any sheriff, state or county, any constable, any

police officer or other law enforcement officer to immediately take possession of such vehicle and that they be and are hereby fully empowered to take possession of such vehicle wherever it may be without a writ or process at law and impound the same and upon taking possession and impounding the same the true owner shall be ascertained by using due diligence and advised of such possession and impounding of such vehicle and the reason therefor. Such officer so impounding such vehicle shall retain the possession thereof until the law shall have been complied with for its release. Such owner may be repossessed of such vehicle by proof of ownership, payment of reasonable storage charges and showing his compliance with the law for the operation of such vehicle.

§ 3. Upon the transfer of ownership of any vehicle its registration shall expire and the person in whose name such vehicle is registered and the person to whom such vehicle is to be transferred shall forthwith join in a statement of said transfer endorsed upon certificate No. 2 of the registration of said vehicle in the space provided for said purpose which statement shall be signed by the transferer in the manner and form of his signature contained on certificate No. 1 and which statement on certificate No. 2 shall likewise be signed by the transferee who shall also set forth below his signature, his post-office address and residence. Said statement shall include an application by the transferee for registration of said vehicle in his name. Transferer and transferee shall execute said certificate containing such matter before a notary public. Said certificate No. 2 shall when duly executed be first delivered to the department, together with a receipt for the proper fee for the registration required herein. If the county clerk and the department shall be satisfied with the genuineness, and regularity of said transfer, said vehicle shall be registered in the name of the said transferee and the certificate herein provided for issued therefor.

By Mr. Weintraub.

H. B. 367. An Act relating to new trials and to amend subsec. 4 of sec. 340 of the civil code of practice.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Subsection (4) of Section 340 of the Civil Code of Practice be, and the same is hereby, repealed and re-enacted so that as re-enacted the same shall read:

"Four (4). Grossly excessive or inadequate damages, appearing to have been given, under the influence of passion or prejudice or in disregard of the evidence or the instructions of the court.

"Provided that: in every case where the damages are so grossly excessive as to warrant a new trial, the Court of Appeals shall not grant a new trial for that reason alone, but shall remit the verdict or judgment to the greatest amount that could have been approved on appeal. Subject to acceptance by the plaintiff and to the right of appeal by either party, the trial court in any such case may remit so much of the verdict as is deemed grossly excessive as an alternative to a new trial, and if excessiveness be the only cause for a new trial, only that issue shall be retried."

By Messrs. Spencer and Phillips.

H. B. 368. An Act authorizing the fiscal courts of counties to establish a land and building fund.

Said bill is as follows, viz.:

SECTION I. *Be it enacted by the General Assembly of the Commonwealth of Kentucky* that the Fiscal Court of any County is hereby authorized and empowered to establish a fund to de designated and known as a land and building fund and to set aside in said fund and acquire therein from year to year funds for the purpose of acquiring lands and improving same, and for the erection, maintaining, improving and reconstruction of necessary buildings and other improvements for the use of such county; such fund to be a permanent fund as herein provided.

SECTION II. The Fiscal Court of such county whenever it shall so determine may use the monies in such fund to acquire and purchase such lands as it may see fit, and in

such manner and at such places in said County as it may see fit, title thereto being in the name of such County and may erect such improvements on said or other lands as said Court may deem necessary and proper for the use of such County.

SECTION III. The Fiscal Court at the time of fixing the rate of the tax levies for said County may fix a tax levy to be part of and included in the general fund levy, the amount realized from such levy to be set aside for and become part of such building fund, but in no event shall said fund become a part of the general revenue fund of the County under the provisions of KRS 68.120.

SECTION IV. All monies in said fund shall be kept as other County funds, but shall be invested under the supervision of said Fiscal Court only in obligations of the United States Government.

SECTION V. Such Fiscal Court shall have the power upon the approval of the majority of the members thereof to receive any funds by gift or devise to be placed in and become part of such building fund upon such terms and conditions as such members shall deem proper.

SECTION VI. Nothing contained in this Act shall be construed as affecting or limiting the right of any County to acquire lands or to improve lands, erect or maintain, or reconstruct buildings as is otherwise authorized by law.

By Mr. Losey.

H. B. 369. An Act relating to the retirement of teachers in non-educational State Institutions.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That teachers and supervisors of instruction holding valid certificates issued by the State Department of Education and employed in, entering upon, or transferring to teaching service in the non-educational State Institutions of Kentucky under the direction of the Department of Welfare may by request be accepted by the Board of Trustees to come

into or continue in membership and pay their retirement contributions to the Teachers' Retirement System of the State of Kentucky under such rules and regulations as the Board of Trustees of said Retirement System may adopt for payment of said contributions and which are not inconsistent with the retirement laws of the Teachers' Retirement System.

By Messrs. Spencer and Phillips.

H. B. 370. An Act relating to sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I.

Section 64.090 of the Kentucky Revised Statutes is amended to read as follows:

64.090 (354; 357; 1726) Sheriffs. Sheriffs may charge and collect for the following services the following fees:

Executing and returning process	$ .85
Serving an order of court and return	.70
Summoning each witness	.35
Summoning an appraiser or reviewer	.60

Each day's attendance in the county on a jury or attending a surveyor, when ordered by a court 1.00

Taking any bond that he is authorized or required to take in any action ..... .70

Collecting money under execution or distress warrant, if the debt is paid or the property sold, or a delivery bond given and not complied with, 6% on the first $300 and 3% on the residue; when he levies an execution or distress warrant, and the defendant replevies the debt, or the writ is stayed by legal proceedings, or by order of the plaintiff, half of the above commissions, to be charged to the plaintiff and collected as costs in the case.

Taking a recognizance of a witness	.35
Levying an attachment	.85

When property attached is sold by an officer other than the officer levying the attachment, the court shall, in the judgment, make the officer an additional and reasonable allowance for levying the attachment, and the fee of the officer selling the property shall be lessened by that sum. Reasonable charges for removing and taking care of attached property shall be allowed by order of court.

Summoning a garnishee ..... .70

Summoning a jury in a misdemeanor case, attending a trial, and conducting the defendant to jail, to be paid by the party convicted 2.00

Serving process or arresting the party in misdemeanor cases, to be paid by the party convicted 2.00

Serving an order or process of revivor ..... .50

Executing a writ of possession against each tenant or defendant 1.50

Executing a capias ad satisfaciendum, the same commission as collecting money on execution. If the debt is not paid, but stayed or secured, half commission.

Summoning and attending a jury in a case of forcible entry and detainer, besides fees for summoning witnesses 3.00

Collecting militia fines and fee-bills 10%, to be deducted out of the fee-bill or fine.

Levying for a fee-bill ..... .50

Serving a notice ..... .25

Serving warrants or process of arrest in bastardy cases 2.00

Serving each order appointing surveyors of roads, to be paid out of the county levy ..... .50

Serving each summons or order of court in applications concerning roads, to be paid out of the county levy if the road is established, and in all other cases to be paid by the applicant ..... .50

Like services in cases of private passways, to be paid by the applicant ..... .50

Services rendered in cases in the quarterly courts, the same fees given to constables in all cases where the amount claimed is $50 or under.

Executing each writ of habeas corpus, to be paid by the petitioner 1.00

All services under a writ issued under KRS 381.460 to 381.570 ..... 4.00

Attending by himself or deputy the regular terms of the county courts, a reasonable allowance per day, to be allowed by the county judge and paid out of the county levy, not exceeding 2.00

Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day 2.00

Performing the duties of jailer, the same fees and allowances that are prescribed for jailers.

SECTION II.

Section 70.030 of the Kentucky Revised Statutes is amended to read as follows:

70.030 (1762; 1763; 1763-1; 1763-2; 1779a-1; 4560) Deputy Sheriffs.

(1) Except as provided in subsections (2) and (3), the sheriff may, with the approval of the county court, appoint his own deputies, and may revoke the appointment at his pleasure. Before any deputy executes the duties of his office he shall take the oath required to be taken by the sheriff.

(2) The sheriff of each county having an assessed value of more than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city, may appoint such deputies and clerical assistants, subject to the approval of the fiscal court, as are necessary for the proper performance of the duties of his office. The sheriff with the approval of the fiscal court shall fix the salaries of the deputies and clerical assistants, but the salaries of all the deputies and clerical assistants shall not exceed $20,000 in any year. The fiscal court shall pay the annual salaries of the deputies and clerical assistants in monthly installments out of the county treasury.

(3) In each county containing a population of 75,000 or over, the number of deputies allowed to the sheriff and the compensation allowed to each deputy, shall be fixed by

an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said courts. A certified copy of the order, and of any subsequent changes therein, shall, as soon as entered, be forwarded to the Department of Finance. In counties containing a population of 75,000 or over and up to 200,000 the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salary of each other deputy sheriff shall be fixed at a reasonable amount not exceeding $2;000 per annum.

In counties having a population of 200,000 or more the salary of the chief deputy sheriff, the head of the process department, the chief of the tax department, and the head bookkeeper shall be fixed by the judges of the County and Circuit Court at a reasonable amount. The salaries of the other deputy sheriffs shall be fixed so as not to exceed $2,250.00 per annum.

By Mr. Hammonds.

H. B. 371. An Act amending KRS 435.240 (1).

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of KRS 435.240 is amended to read as follows:

Any parent of any child residing in this state, or any other person upon whom the legal responsibility to support and care for a child rests, who shall leave, desert, abandon or who shall willingly, negligently or carelessly fail to support any such child under sixteen years of age or a child physically or mentally unable to support itself, leaving said child in destitute or indigent circumstances, and any person with the legal responsibility rests, to support and care for any child, who fails to make proper provision for board, clothing, education and proper care for any such child in a manner suitable to the condition and station in life of the parent and child; or, any married man who leaves,

deserts or abandons his wife while she is pregnant by him, leaving her in destitute or indigent circumstances and without making proper provision for board, clothing, medical and hospital care prior to, during and following sickness due to childbirth, in a manner suitable to the condition and station in life of the man and his wife, shall be confined to the penitentiary for not less than one nor more than five years. The provisions of this section shall apply to any person from whom the legal custody of such child may have been taken through judgment or order of a court and the responsibility of providing for such maintenance, by judgment or order of the court has been placed on such person.

By Mr. Mullins.

H. Res. 80. Resolution authorizing Hays Foster and others to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That C. Hays Foster, Lalla N. Foster and Jane M. Foster jointly are authorized to sue the Commonwealth of Kentucky in the circuit court of Lincoln County in an amount not exceeding SEVEN THOUSAND, FIVE HUNDRED ($7,500.00) DOLLARS for damages caused by the unlawful acts of Sherman Goodpaster, Director of the Division of Insurance and his agents and employees.

2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed thereon if he deems it advisable. Any amount recovered in such a suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

3. In the event suit is filed and judgment rendered by the circuit court, either party shall have the right to appeal to the Court of Appeals of Kentucky.

4. Nothing contained in this resolution shall be construed as an admission of liability on the part of the Com-

monwealth, nor shall this resolution be introduced in evidence nor commented upon by counsel upon the trial.

By Mr. Huff.

H. Res. 81. Resolution appropriating the sum of $1792.69 to the Department of Military Affairs.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated from the General Expenditure Fund of the Commonwealth a sum of $1792.69 to the Department of Military Affairs to meet expenses of the Kentucky Active Militia for flood duty during January, 1946, which sum shall cover fuel for vehicles, meals and travel of members of the Militia, active duty pay, sanitary supplies, telephone calls, and transportation.

2. Because compensation for personal service is due members of the Active Militia, and because members of the Active Militia were obliged to remain away from their regular occupations, in order to discharge their military duties, an emergency is declared to exist, and this resolution shall take effect upon signature from the Governor.

By Mr. Losey.

H. Res. 82. Resolution authorizing the payment of witness claims allowed by Pulaski Court to Cundiff Bros.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Cundiff Bros. of Somerset, Kentucky, are now the owners of witness claims allowed in the Pulaski Circuit Court at the February, 1944 term, in the total amount of $4.00.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims were just claims against the Commonwealth of

Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Cundiff Bros. of Somerset, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claim, being $4.00, is hereby appropriated out of the General Fund for that purpose.

Ordered that said bills and resolutions be printed and referred.

Mr. Taylor moved that the Rules of this House be suspended and that a bill entitled:

H. B. 4. An Act relating to execution of death sentence.

Which was reported by the Committee on Criminal Law, without an expression of opinion, and laid on the Clerk's Desk on January 31,

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was agreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 214. An Act relating to claims against a decedent's estate.

H. B. 151. An Act relating to fees allowed county clerk.

With a Committee Amendment thereto.

H. B. 128. An Act relating to advalorem taxation of the right to receive income, etc.

H. B. 52. An Act relating to inheritance taxes, including provisions as to taxation of contracts, etc.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Runyon of the Committee on Enrollment, to which the same had been referred, reported that they had examined and found to be correctly enrolled, a bill entitled:

H. B. 67. An Act amending Sec. 74.030 KRS providing for the county attorney to act as legal counsel for water districts; and for employment and compensation of additional counsel for such districts.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, in open session and in the presence of the House, the Speaker affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

Mr. Biggers moved that the House do now take up for consideration from the Clerk's Desk for immediate consideration, a bill entitled:

H. B. 238. An Act relating to local option with respect to the sale, barter or loan of alcoholic beverages, etc.

Said motion was agreed to.

Thereupon the House took up for immediate consideration, said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 242.125 and to read as follows:

(1) In any county in which the provisions of KRS 242.220 to 242.430 are applicable by reason of an election for the entire county having heretofore resulted in favor of prohibition, an election may be held in any city of the first five classes in such county to take the sense of the people of such city as to the discontinuance of prohibition in such city. For this purpose, the election in such city shall not be deemed to be an election in the "same territory" as that in which the county-wide election was held, within the meaning of subsection (5) of KRS 242.030. If, at such election for such a city, the majority of the votes cast are against prohibition, the vote shall make KRS 242.220 to 242.430 inapplicable to the entire city, but this shall not prevent an election from thereafter being held in any precinct of such city, subject to the provisions of KRS Chapter 242, to take the sense of the people of such precinct as to the application of KRS 242.220 to 242.430 in such precinct.

(2) In any election hereafter held for an entire county, which county is not at the time of such election dry territory by reason of a county-wide election heretofore held, for the purpose of taking the sense of the voters as to the application of KRS 242.220 to 242.430 in such county, the voters within each city of the first five classes in such county shall be furnished a ballot upon which the question shall be, "Are you in favor of adopting (or discontinuing as the case may be) prohibition in [name of city]?" (Provided, however, that no ballot shall be furnished to the voters of any city of such a class if, less than three years prior to the date of the proposed county-wide election, a city-wide election was held in such city at which a majority of the votes cast were against prohibition. The status of such a city shall not be affected by the result of the county-wide elec-

tion.) The voters outside of the cities of such classes shall be furnished a ballot upon which the question shall be, "Are you in favor of adopting prohibition in [name of county], outside of the corporate limits of the cities of the first five classes?" The ballots of each such city shall be separately tabulated, and the ballots of the voters outside such cities shall be separately tabulated. If the majority of votes cast in any such city are for prohibition, KRS 242.220 to 242.430 shall apply to the entire city. If the majority of votes cast in any such city are against prohibition, and if, at the time of such election, any number of precincts of the city less than the entire city were dry territories, the votes shall not make KRS 242.220 to 242.430 inapplicable in such precincts. If the majority of votes cast in any such city are against prohibition, and if, at the time of such election, the entire city was dry territory, KRS 242.220 to 242.430 shall be inapplicable to the entire city. If the majority of votes cast in the county outside of such cities of the first five classes are for prohibition, KRS 242.220 to 242.430 shall apply to all of the county outside of such cities. If the majority of the votes cast in the county outside of such cities are against prohibition, the votes shall not make KRS 242.220 to 242.430 inapplicable to any district or precinct outside of such cities that was dry territory at the time of the election.

(3) If, in any city-wide election hereafter held in a city of the first five classes for the purpose of taking the sense of the voters as to the adoption or discontinuance of the application of KRS 242.220 to 242.430 to such city, other than an election coming within the provisions of subsection (1) or (2) of this section, the majority of the votes cast are for prohibition, KRS 242.220 to 242.430 shall apply to every portion of the city. If, in any such city-wide election, the majority of the votes cast are against prohibition, and if, at the time of such election, any number of precincts in such city less than the entire city were dry territories, the votes shall not make KRS 242.220 to 242.430 inapplicable to such precincts. If, in any city-wide election, the majority of the votes cast are against prohibition, and if, at the time of the

election, the entire city was dry territory, KRS 242.220 to 242.430 shall be inapplicable to the entire city.

(4) In the case of any city located in more than one county, the portion of such city located in each county shall, for the purpose of any election under KRS Chapter 242, be deemed to be a city, of the class to which the entire city belongs, of such county, and the status of the portion of the city in each county, with respect to the application of KRS 242.220 to 242.430 shall be governed by the elections held within such portion, or in the individual precincts within such portion, as provided in this section.

§ 2. Section 242.210 of the Kentucky Revised Statutes is repealed.

§ 3. Subsection (4) of Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

(4) No election in any territory less than the county shall be held on the same day on which an election for the entire county is held, except as provided in KRS 242.125.

Mr. Todd moved that consideration of said bill be postponed indefinitely.

Said motion was disagreed to.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

B. J. Bonn	Ira W. Hulette	E. F. Prichard
Mrs. Mary Burnett	Kerby Jennings	Wade H. Riley
Chas. W. Burnley	Paul Jonas	Paul J. Stapleton
G. I. Drury	Edgar Kitchen	Geo. W. Steinford
Tom Gilliam	E. H. Martin	Ralph G. Stone
M. B. Gilligan	Fred Morgan	S. J. Wagner
Jerry F. Howell	J. C. Newcomb	Geo. J. Weining

—21

Those who voted in the negative were—

Roy W. Arnold	R. M. Hall	Thos. A. Noe
F. O. Baker	C. L. Hammonds	Joe E. Nunn
Harold L. Barnes	Harold G. Helm	Louis T. Peniston
F. H. Bassett, Jr.	E. R. Hilton	Sylvester Phillips
Ott Begley	Clyde S. Howard	L. W. Preston
W. G. Biggers	J. J. Huff	Hobart Rayburn
Jack Bingham	W. H. Hunt	Kelse H. Risner
J. C. Bradley	L. H. Jones	J. W. Simmons
B. K. Brantley	B. F. Kincaid	Luther Slusher
John Y. Brown	Homer E. Losey	Forrest Smith
Alex. H. Calvert	A. L. Love	W. R. Smith
W. K. Coleman	H. K. Lowman	E. A. Spencer
Fred Creasey	E. J. Lucas	L. S. Stephens
S. J. Daugherty	Ed Marcum	E. L. Thompson
L. A. Demumbrun	F. G. Marquette	Ray G. Tipton
E. R. Denny	W. E. McClure	E. N. Todd
Adron Doran	Jack McPherron	Harry F. Walters
Forest C. Easley	Harry L. Moore	Lyle H. Webb
R. R. Ernst	J. L. Moore	Morris Weintraub
A. H. Eversole	J. Lee Moore	Rodney Whitlow
Henry J. Giles	E. C. Mullins	John Wilborn
Otto W. Goff	Rodes K. Myers	

—65

Mr. Myers moved that the vote by which said bill was rejected be reconsidered.

Mr. Doran moved that said motion be laid on the table.

Said last named motion was agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	J. C. Newcomb
F. O. Baker	J. J. Huff	Sylvester Phillips
Harold L. Barnes	W. H. Hunt	L. W. Preston
F. H. Bassett, Jr.	Kerby Jennings	J. W. Simmons
Ott Begley	L. H. Jones	Luther Slusher
J. C. Bradley	Homer E. Losey	Forrest Smith
Fred Creasey	H. K. Lowman	W. R. Smith
S. J. Daugherty	E. J. Lucas	E. A. Spencer
L. A. Demumbrun	Ed Marcum	L. S. Stephens
E. R. Denny	F. G. Marquette	E. L. Thompson
Adron Doran	W. E. McClure	Ray G. Tipton
Forest C. Easley	Harry L. Moore	E. N. Todd
R. R. Ernst	J. L. Moore	Lyle H. Webb
Henry J. Giles	J. Lee Moore	Rodney Whitlow
Harold G. Helm	E. C. Mullins	John Wilborn
E. R. Hilton		—46

Those who voted in the negative were—

W. G. Biggers	Otto W. Goff	Rodes K. Myers
Jack Bingham	R. M. Hall	E. F. Prichard
B. J. Bonn	C. L. Hammonds	Hobart Rayburn
B. K. Brantley	Maurice Howard	Wade H. Riley
John Y. Brown	Jerry F. Howell	Kelse H. Risner
Mrs. Mary Burnett	Ira W. Hulette	Paul J. Stapleton
Chas. W. Burnley	Paul Jonas	Geo. W. Steinford
W. K. Coleman	B. F. Kincaid	Ralph G. Stone
G. I. Drury	Edgar Kitchen	S. J. Wagner
A. H. Eversole	E. H. Martin	Geo. J. Weining
Tom Gilliam	Jack McPherron	Morris Weintraub
M. B. Gilligan	Fred Morgan	—35

Mr. Brown moved that the Rules of this House be suspended and that a bill entitled:

H. B. 31. An Act providing for the manner of holding primary and regular elections in third class city.

Be taken from the hands of the Committee on Cities of the Third Class, and

Advanced to a reading.

Without objection, said motion was withdrawn by Mr. Brown.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 18, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by The Reverend Paul Stauffer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	S. J. Daugherty	Jerry F. Howell
Roy W. Arnold	L. A. Demumbrun	J. J. Huff
Henry Arrowood	E. R. Denny	Ira W. Hullette
F. O. Baker	Adron Doran	Kerby Jennings
Harold L. Barnes	G. I. Drury	Paul Jonas
F. H. Bassett, Jr.	Forest C. Easley	L. H. Jones
Ott Begley	Eck Embry	B. F. Kincaid
W. G. Biggers	R. R. Ernst	G. O. Kirkpatrick
Jack Bingham	A. H. Eversole	Homer E. Losey
B. J. Bonn	Henry J. Giles	A. L. Love
J. C. Bradley	Tom Gilliam	H. K. Lowman
B. K. Brantley	M. B. Gilligan	E. J. Lucas
John Y. Brown	Otto W. Goff	Ed Marcum
Mrs. Mary Burnett	R. M. Hall	E. H. Martin
Chas. W. Burnley	C. L. Hammonds	W. E. McClure
Alex. H. Calvert	Harold G. Helm	Jack McPherron
W. K. Coleman	Clyde S. Howard	Harry L. Moore
Fred Creasy	Maurice Howard	J. L. Moore

J. Lee Moore	Wade H. Riley	C. W. Taylor
Fred Morgan	Kelse H. Risner	E. L. Thompson
Joe T. Morgan	Amos Runyan	Ray G. Tipton
E. C. Mullins	J. W. Simmons	E. N. Todd
Rodes K. Myers	Luther Slusher	W. L. Trivette
Thos. A. Noe	Forrest Smith	S. J. Wagner
Joe E. Nunn	W. R. Smith	Harry F. Walters
Louis T. Peniston	E. A. Spencer	Morris Weintraub
Sylvester Phillips	Paul J. Stapleton	Lawrence Wells
L. W. Preston	Geo. W. Steinford	Rodney Whitlow
E. F. Prichard	L. S. Stephens	Mr. Speaker
Hobart Rayburn	Ralph G. Stone	

Mr. Doran moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Harry L. Moore moved that the privilege of the floor be extended to Lt. Charles Hobson.

Said motion was agreed to.

Mr. Wells moved that the privilege of the floor be extended to Mr. James Ennis.

Said motion was agreed to.

Mr. Hulette moved that the privilege of the floor be extended to Judge L. B. Hamilton.

Said motion was agreed to.

Mr. Wagner moved that the privilege of the floor be extended to Judge Irvin Brumledge and Senator Fred Reiners.

Said motion was agreed to.

Mr. Stapleton moved that the privilege of the floor be extended to Mr. James Diskin.

Said motion was agreed to.

Mr. Burnley moved that the privilege of the floor be extended to Messrs. Noah Geveden, H. H. Wyman, L. W. Glisson, D. B. Davis, Ray Wilson and Judge L. E. Carter.

Said motion was agreed to.

Mr. McPherron moved that the privilege of the floor be extended to Mrs. Charles Marshall, Mrs. Luch Stephenson, Judge Slaughter, Reverend Harry Grey and Reverend R. A. White.

Said motion was agreed to.

The Committee to which the same had been referred reported bills of the following titles, viz.:

By Mr. Harry Walters of the Committee on Agriculture No. 1.

H. B. 108. An Act relating to the marketing of tobacco, etc.

H. B. 207. An Act relating to burley tobacco warehouses.

H. B. 213. An Act relating to labor unions and co-operative associations.

H. B. 249. An Act relating to tobacco warehouses, and providing for uniform warehouse charges.

H. B. 103. An Act relating to the classification, marketing, regulation, etc., of sales of tobacco.

H. B. 179. An Act relating to warehouse sales of tobacco.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the

House on said bills, it was ordered that said bills be not read the first time at length, and so said bills were rejected.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Kincaid.

H. B. 372. An Act relating to fraudulent obtaining of merchandise.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any person who obtains groceries or other merchandise from a person engaged in retail trade, without paying therefor, with intent to defraud, shall be fined not more than twenty-five dollars or imprisoned not more than thirty days, or both.

Sec. 2. Proof that any person refused or neglected to pay for such merchandise within a reasonable time after demand for payment is made shall be prima facie evidence of the fraudulent intent contemplated by this Act.

By Mr. Lowman.

H. B. 373. An Act repealing, amending and re-enacting Section 248.370, KRS, relating to tobacco warehouses, and providing for uniform warehouse charges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 248.370 of the 1944 edition of Kentucky Revised Statutes is repealed, amended and re-enacted so that when amended and re-enacted it will read as follows:

1. The maximum sales of baskets of tobacco on warehouse floors shall not exceed 360 baskets during any one hour, nor shall the rate of sales exceed 360 baskets per hour.

2. The operating day at every warehouse shall be lim-

ited to five actual selling hours and the operating week of every warehouse shall be limited to five actual selling days.

3. No warehouse or warehousemen shall charge or receive as commission for handling of Burley tobacco more than 25c per hundredweight, plus 2% commission on the gross sale price of the tobacco.

By Mr. Myers.

H. B. 374. An Act relating to notaries public, examiners or other officers authorized to take depositions, with particular reference to the fees of such officers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 64.290 of the Kentucky Revised Statutes is amended to read as follows:

Notaries public, examiners or other officers authorized to take depositions may collect for the following services, the following fees:

(1) For taking depositions and certifying the same, $10 per day where the taking consumes more than one session in any one day, or where the deposition is being taken in some city other than the residence of the officer before whom the deposition is being taken; and $5 per day or per session where the taking does not consume more than one morning or one afternoon session, and is in the same city in which the officer taking the deposition resides.

(2) For making an original transcript, or for making a duplicate transcript for a person other than the person for whom the original was made, not exceeding twenty cents per one hundred words.

(3) For making a duplicate or carbon copy of a transcript for a person who has ordered the original transcript, not exceeding ten cents per one hundred words.

(4) For a subpoena or any other writ or certificate, or for any other service, the same fee that is allowed to circuit court clerks for similar writs, certificates or services.

2. A new section of the statutes is created, to be numbered KRS 64.291 and to read as follows:

Any notary public, examiner or other officer authorized to take depositions or statements under oath, may take such depositions or statements under oath to be used in any case pending in any court or before any court official, and any such court or court official is hereby expressly prohibited from limiting such taking to any special notary public, examiner or other officer authorized to take depositions or testimony or statements under oath. A deposition or statement taken under oath before any notary public, examiner or other officer authorized by law to take depositions and statements under oath shall be duly received and filed in the court in which the case which is the subject matter of said deposition or other writing given under oath is pending, when duly certified by said authorized officer.

By Mr. Bassett.

H. B. 375. An Act to Control and Prevent the Spread of Infectious and Communicable Diseases among Poultry, the Regulation and Control of the sale of baby chicks or baby poults, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Before any baby chicks or baby poults are offered for sale at any auction or auctions, sale barn, or community sale, except public sales conducted by farmers selling baby chicks or baby poults reared on their own premises, a permit shall be secured from the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian.

2. Any person who desires to offer baby chicks or baby poults for sale at any auction or auctions, sale barn, or community sale, shall apply to the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, for a permit to hold such sale. A form shall be prescribed and furnished by the Livestock Sanitary Division of the

Department of Agriculture. This application shall be submitted at least three days before the sale to allow time for inspection of the chicks or poults offered, by a representative of the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, before any chicks or poults are sold. This application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breed of the chicks or poults to be offered for sale, and the person or firm by whom they were produced, and shall be accompanied by a fee in the sum of one dollar ($1.00) per hundred chicks or poults to be offered for sale. The Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, shall be authorized in their discretion to grant or deny the permit requested in such application, and if deemed necessary or advisable to require the applicant to submit a certificate in such form as the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, may prescribe, certifying that the baby chicks or baby poults which may be offered for sale are in healthy condition.

3. Before any such chicks or poults are offered for sale, or sold, each box, crate, coop or other container, shall be plainly labeled with appropriate statement giving the kind and number of chicks or poults in each container, the date on which such chicks or poults were hatched, and by whom hatched, and any other representations at or prior to the time of sale relative to the purity of the breed, the freedom of such chicks or poults from disease, such as chick bronchitis, and official certification that tests have been made on the parent stock for pullorum disease and that such flock is U. S. Pullorum-Tested, U. S. Pullorum-Controlled, U. S. Pullorum-Passed or Pullorum-Clean. The container should also specify whether it contains males, females or unsexed chicks or poults.

4. Within three days after the sale shall have been

held, the person who conducted the sale shall submit a statement to the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, giving a complete list of the number and kind of baby chicks or poults sold, name and address of each purchaser, together with a copy of representation and guarantee made in relation thereto, if any were made by the person who conducted such sale, and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representation and guarantee as is the person who set forth such representation and guarantee on the containers as provided in Section 3 of this act.

5. On inspection by the representative of the Livestock Sanitary Division of the Department of Agriculture, or State Veterinarian, if the chicks or poults offered for sale are found to be diseased, the representative may confiscate all chicks or poults found to be diseased and may destroy said chicks and poults.

6. The term "Baby Chicks" or "Baby Poults" as used in this act means any domestic fowl under the age of six weeks. The term "Person" includes also firms and corporations.

7. Any person who violates any provision of this act or the regulations made under this act for carrying out its provisions, or who fails or refuses to comply with or intends to deceive or who answers or represents falsely in response to any requirement of this act, or who willfully interferes with the Livestock Sanitary Division of the Department of Agriculture, or State Veterinarian, their employees or agents, in the carrying out of their duties provided in this act, shall be guilty of a misdemeanor.

8. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed $100.

9. All money collected under the provisions of this act shall be paid to the State Treasurer and by him placed in a Revolving Fund to be used by the Kentucky Department

of Agriculture for the purpose of enforcing the provisions of this act.

10. Inasmuch as the spring of the year is the hatching season and the unscrupulous handling of chicks is causing great loss to the purchasers of chicks in Kentucky, an emergency is hereby declared to exist for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage and approval by the Governor of the Commonwealth.

By Mr. Hammonds.

H. B. 376. An Act relating to the license tax on dogs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The county clerk in each county, when making out the various tax lists of the county shall, when a dog or dogs have been assessed to any taxpayer, charge the taxpayer with the license tax of $1.00 for each male dog and $2.00 for each female dog, and place it on his or her tax bill for collection by the sheriff, who will upon collection deliver a tag to the taxpayer for the calendar year for the taxes of which the tax bill was made out. This is intended to be an additional means of enforcing collection of the dog license tax, and shall not relieve the owner of the duty to procure the license and pay the tax as provided in KRS 258.170.

Sec. 2. Subsection (1) of Section 258.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner in each county shall annually, at the time of assessing property, make diligent inquiry as to the number of dogs owned, harbored or kept by any person, and shall list them. The county tax commissioner shall receive ten cents per dog for each dog listed by him, to be paid out of the county livestock fund, but before the payment is made, the county tax commissioner or deputy shall make an affidavit, setting forth that he has made dili-

gent inquiry and visited all persons in the county to ascertain whether or not they had dogs, and has listed all dogs. On his failure to make the affidavit, he shall not receive anything for his services.

Sec. 3. Section 258.350 of the Kentucky Revised Statutes is amended to read as follows:

The sheriff or deputy sheriff shall receive ten cents for every license issued by him, to be paid out of the county livestock fund and shall be retained by the sheriff or deputy sheriff as his fee for issuing the license.

By Messrs. Bonn, Gilligan, Coleman, and Stone.

H. B. 377. An act relating to cities of the first class and counties containing such cities, providing for the establishment, operation, and maintenance, in such cities and counties, of a comprehensive system of sewers and drains, of all types, kinds and descriptions, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In the interest of the public health and for the purpose of providing adequate sewer and drainage facilities in and around each city of the first class and in each county containing such city, there may be created and established therein a joint metropolitan sewer district under the provisions of this Act, having the powers duties and functions as herein prescribed, and to be known by and under the name of ..... and .....
(Name of city of the first class) (Name of county)
County Metropolitan Sewer District, which District under said name shall be a public body corporate, and political subdivision, with power to, adopt use and alter at its pleasure a corporate seal, sue and be sued, contract and be contracted with, and in other ways to act as a natural person, within the purview of this Act.

Section 2. Whenever by ordinance passed by the legislative body of any such city and approved by the mayor

thereof, it is declared for the best interests of such city and the inhabitants thereof, that such District be created under the provisions of this Act, the clerk of the legislative body of such city shall file a certified copy of such ordinance with the county judge of the county wherein such city is located.

Section 3. The business, activities, and affairs of such District shall be managed controlled and conducted by a Board composed of five members, three of whom shall be appointed by the mayor of such city subject to the approval of the city legislative body and two of whom shall be appointed by the county judge of such county subject to the approval of the Fiscal Court, and which five members thus appointed shall constitute the Board of such District. Not more than three members of the Board shall be affiliated with the same political party.

Each such member shall be at least twenty-five years of age; each appointed by the mayor shall be a resident of such city and wherein he shall have actually continuously resided for at least three years next prior to appointment; each appointed by the county judge shall be a resident of such county outside the limits of the city and wherein he shall have actually continuously resided for at least three years next prior to appointment. No officer or employee of such city or county, whether holding a paid or unpaid position, shall be eligible for appointment as a member of such Board.

On the first day of July, 1946, or as soon thereafter as may be practicable, the mayor, subject to the approval of the city legislative body, shall appoint one member for a term of two years, one member for a term of three years, and one member for a term of four years, and the county judge, subject to the approval of the Fiscal Court, shall appoint one member for a term of three years and one member for a term of four years, and upon the expiration of each of said terms respectively and thereafter, the term of each of such members, shall be four years. A member is eligible to succeed himself. Vacancies in the membership shall be filled by the mayor or the county judge as the case may be, for the unexpired portion of the term.

Any member of the Board appointed by the mayor may be removed by the mayor, for cause, after hearing by the

mayor, and after at least ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office. Any member of the Board appointed by the county judge may be removed by the county judge, for cause, after hearing by the county judge, and after at least ten days notice in writing shall have been given to the member, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the county judge shall be final and removal results in vacancy in such office.

The members of the Board shall each receive a salary not to exceed the sum of $3,000 per annum.

The fiscal year of the District shall begin on the first day of July of each year and end with June 30th next following.

Regular meetings of the Board shall be held at least once in each calendar month, the time and place of which shall be fixed by the Board.

A majority of the members of the Board shall constitute a quorum, and the affirmative vote of at least three members of the Board shall be necessary for the adoption of any motion, measure, or resolution.

Section 4. The Board shall, in July of each year, elect from its members a chairman and a vice-chairman, who shall be of different political party affiliation. It shall employ a secretary-treasurer and a chief engineer, neither of whom shall be a member of the Board. The secretary-treasurer and the chief engineer may be removed by the Board for cause, after hearing by it and after at least ten days notice in writing shall have been given to the secretary-treasurer or chief engineer, as the case may be, which notice shall embrace the charges preferred against him. At the hearing he may be represented by counsel. The finding of the Board shall be final. The secretary-treasurer and the chief engineer shall each devote his entire time and attention exclusively to the services of the Board. The Board may employ, and remove at pleasure, professional and technical advisers, experts, and other employees, skilled or unskilled, as it deems requisite for

the performance of its duties. The Board shall require the secretary-treasurer and the chief engineer each to execute bond and may exact from such of its other officers and employees bonds as it may deem expedient. All such bonds shall be payable to the District in such sums as the Board may fix, with approved corporate surety, and premiums therefor shall be paid by the District. Such bonds shall obligate the makers thereof to faithfully perform the duties of their respective offices and positions and to fully account for and pay over all money, property or other thing of value of the District, which may come to their hands, respectively. The Board shall fix the salaries and compensation of the officers and employees it engages, which salaries and compensation however shall be in line with that paid by the city and county for similar services.

Section 5. When the District created under this Act shall have organized, thereupon and by virtue of this Act, the existing sewer and drainage system and facilities of such city of the first class, together with all contracts, books, maps, plans, papers and records, of whatever description pertaining to or relating to the design, construction, maintenance, operation, and affairs of such existing sewer and drainage system, shall be assigned, transferred, and dedicated to the use of and be in possession, and under the jurisdiction, control, and supervision, of the District under this Act created, and such District is empowered to take possession thereof for its use and purposes. The District hereunder created shall thereafter have complete jurisdiction, control, possession, and supervision, of such existing sewer and drainage system, and of all the facilities of such city of the first class for the disposal of sewage and storm water, and shall continue to exercise such power so long thereafter as any bonds or liabilities of the District shall remain unpaid or shall not have been otherwise discharged. When all of the bonds issued by the District and all its obligations shall have been paid in full or shall have been otherwise discharged, the District shall nevertheless continue to function as contemplated by this Act unless and until dissolved and disposition of its property and assets provided for.

The same rights and powers given in this section shall

apply to areas outside the corporate limits of the city of the first class, which may later be embraced in the District.

Section 6. The District created under the provisions of this Act is empowered:

1. To have jurisdiction, control, possession, and supervision, of the existing sewer and drainage system of such city of the first class; to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system, and to make additions, betterments, and extensions thereto, within the corporate limits of such city of the first class and within the limits of the county containing such city beyond such city limits, and to have all the rights, privileges, and jurisdiction, necessary or proper for carrying such powers into execution. No enumeration of powers in this Act shall operate to restrict the meaning of this general grant of power or to exclude other powers comprehended within this general grant.

2. To prepare or cause to be prepared, and to be thereafter revised and adopted, plans, designs, and estimates of costs, of a system of trunk, intercepting, connecting, lateral, and outlet sewers, storm water drains, pumping and ventilating stations, disposal and treatment plants and works, and all other appliances and structures, which in the judgment of the Board will provide an effective and advantageous means for relieving such city of the first class and areas in the county in which such city is located outside the city limits which may be embraced in the District, from inadequate sanitary and storm water drainage and from inadequate sanitary disposal and treatment of the sewage thereof, or such sections or parts of such system as the Board may from time to time deem proper or convenient to construct, consistent with the plans and purposes of this Act, and is authorized and empowered to take all such steps as the Board may deem proper and necessary to effect the purposes hereof.

3. To construct any additions, betterments, and extensions, to the facilities of the District, by contract or contracts, or under, through, or by means of its own officers, agents, and employees.

4. To establish, construct, operate, and maintain, as a

part of the sewer and drainage system of the District, sewage treatment and disposal plants and systems and all the appurtenances and appliances thereunto belonging. Such sewage treatment and disposal plants may be located in the city, or beyond the limits of the city in the county in which the city is located, as the Board may deem expedient.

5. To acquire and hold such personal property as the Board may deem necessary and proper for carrying out the corporate purposes of the District and to dispose of personal property when the District has no further need therefor.

6. To acquire by purchase, gift, lease, or by condemnation, such real property or any interest, right, easement, or privilege therein, as the Board may determine necessary, proper, and convenient for the corporate purposes of the District and to use the same so long as such corporate existence shall continue, and same is necessary or useful for the corporate purposes of the District.

Condemnation proceedings may be instituted in the name of the District pursuant to a resolution of the Board declaring the necessity for the taking, and the method of condemnation shall be the same as provided in KRS 416.120. When the Board by resolution declares that any real property which it has acquired, or any interest therein, is no longer necessary or useful for the corporate purposes of the District, such real property and interest therein may be disposed of.

7. To make by-laws and agreements for the management and regulation of its affairs and for the regulation of the use of property under its control and for the establishment and collection of sewer rates, rentals and charges.

8. To make contracts and execute all instruments necessary or convenient in the premises.

9. To borrow money and to issue negotiable bonds and to provide for the rights of holders thereof.

10. To fix and collect sewer rates, rentals, and other charges, for service rendered by the facilities of the District.

11. To enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations.

Section 7. Upon taking and assuming control of such existing sewer and drainage system the District is authorized to establish a schedule of rates, rentals, and charges, to be collected from all the real property served by the facilities of such District, and to prescribe the manner in which and time at which such rates, rentals, and charges are to be paid, and to change such schedule from time to time as the District may deem necessary, advisable or expedient. Such schedule may be based upon either (a) the consumption of water on premises connected with such facilities, taking into consideration commercial and industrial use of water; or (b) the number and kind of plumbing fixtures connected with such facilities; or (c) the number of persons served by such facilities; or (d) any combination thereof; or (e) may be determined by the District on any other basis or classification which the District may determine to be fair and reasonable, whether similar or dissimilar to those enumerated.

Prior to the final adoption or modification of such schedule, the District shall adopt a proposed schedule and publish notice thereof once a week for three consecutive weeks in a daily newspaper published in the county having the largest circulation therein. The notice so published shall be dated as of the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges, will remain open for inspection in the office of the District for thirty days from the date of said notice, and that objections thereto in writing may be filed during said period with the District by any person aggrieved thereby. The District shall examine and hear any and all such complaints, may modify the proposed schedule, and shall adopt and establish a final schedule within sixty days after the date of said notice. Such schedule shall be uniform for all property falling within the same classification. The schedule so adopted and established, shall thereafter be the rates, rentals, and charges, for the use of the facilities of the District, until changed in the manner herein before provided. Such schedule of rates, rentals, and charges, shall be established and revised from time to time so as to produce aggregate reve-

nues to the District sufficient (a) for the payment of the interest on and principal of all revenue bonds and other obligations of the District; (b) for the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the District, including but not limited to the salaries, wages, and fees, of all officers and other employees of the District; and (c) for the payment of all cost of renewals and replacements of such system; provided however, that all such expenses, salaries, wages, and fees necessary or incident to improvements for the account of which bonds are issued, may be included as a part of the cost of such improvements and paid from the proceeds of such bonds. The District may collect such sewer rates, rentals, and charges, or cause them to be collected and paid to it by such agencies as it may designate, and with whom it may make such contracts or arrangements as the District deems proper.

A lien, prior and superior to all other liens, except liens for City, State and County Ad Valorem Taxes, shall exist against each parcel of real property served, for the rentals and charges for services rendered by the District to each such parcel of real property, but such lien for services to one parcel shall not attach to or be a lien against any other parcel or parcels of real property. Such lien shall expire unless action to enforce same is instituted within five (5) years from the day such rentals and charges became payable as shown by the books and records of the District, which books and records shall be open for inspection by all interested persons during the regular business hours of the District.

Section 8. It shall be the duty of the District as promptly as possible, to rehabilitate, construct, improve, and extend, any sewer and drainage system taken over and controlled by it, which shall include, but is not limited to, disconnection of storm water drains and constructing outlets therefor, where such work is necessary to relieve existing sanitary sewers of storm water loads, in order to permit the efficient operation of such sanitary sewers. The District may make rules and regulations for the submission of bids and the construction of such additions, betterments, and

extensions, or any part thereof. No contract shall be entered into for construction work or for the purchase of materials, unless the contractor shall give an undertaking with corporate surety in an amount approved by the Board for the faithful performance of the contract. As to contracts entered into for construction, such undertaking shall provide, among other things, that the person or corporation entering into such contract with the District will pay for all materials furnished and services rendered in the performance of the contract, and that any person or corporation furnishing such materials or rendering such services, may maintain an action thereon to recover for the same against the obligor in the undertaking and the surety, as though such person or corporation was named herein.

Section 9. The District shall have the power to acquire by purchase, or eminent domain proceedings, either the fee, or such right, title, interest, or easement, in such lands as may be deemed by the District necessary for any of the purposes mentioned in this Act whether within or without the District, and such lands or interests therein may be so acquired whether or not the same are owned or held for public use by corporations, associations, or other persons having the power of eminent domain, or otherwise held or used for public purposes. Forthwith upon the acquisition of any such fee, right, title, interest, or easement, the same shall be and become dedicated to the uses and purposes of the District.

Section 10. Where railroad tracks, street railroad tracks, gas or water pipes, telephone wires, telegraph wires, electric light or power wires, or conduits, for carrying telephone or telegraph or electric wires, or poles, or other structures of any public service corporation, extend in, along or across any part of the work authorized by this Act, it shall be and become the duty of the person or corporation owning or using such tracks, pipes, wires, conduits, poles, or other structures, to make such changes in the same, at its own expense, as may be required during the construction of any improvement provided for in this Act, and to construct or rebuild and maintain at its own expense, its tracks, pipes,

wires, conduits, poles, and other structures, over or along the work by this Act authorized and constructed, or in the process of construction in pursuance thereof. Reasonable notice in writing of such necessary changes shall be given by the District to the parties concerned. The District may enter upon streets, highways, bridges, or public places, for the purpose of constructing any additions, betterments, or extensions of the facilities of the District. Whenever the District has entered upon and damaged any street, highway, bridge, or other public place, same shall be restored to its former condition at the expense of the District.

Section 11. All monies of the District from whatever source derived, shall be paid to the secretary-treasurer. Such monies shall be deposited in the name of the District by the secretary-treasurer, in one or more banks or trust companies, situated in the county in which said city is located, having a capital and surplus of not less than $500,000.00. The District may require that any or all such deposits be continuously secured by the pledge of direct obligations of the United States of America, having an aggregate market value, exclusive of the accrued interest, at all times, at least equal to the balance on deposit to the credit of the District. Such securities shall either be deposited with the secretary-treasurer or be held by a trustee or agent satisfactory to the District. In lieu of any such pledge of such securities, such funds may be secured by corporate surety bond or bonds, which shall be in form, sufficiency, and substance satisfactory to the District. All banks and trust companies are authorized to give such security for such deposits. The monies in such accounts shall be paid out by the secretary-treasurer on warrants signed by the secretary-treasurer and countersigned by the chairman or vice-chairman of the Board or by such other person or persons as the Board may from time to time designate by resolution.

Section 12. The District shall not have power to levy ad valorem taxes upon any property for any purpose whatsoever.

Section 13. The District shall have power, and it is hereby authorized from time to time, to issue its negotiable

interest bearing revenue bonds for any of its corporate purposes, and it may also from time to time, issue its negotiable interest bearing revenue bonds to refund any of its bonds at maturity or pursuant to redemption provisions, or at any time before maturity with the consent of the holders thereof. All such bonds, including interest thereon, shall be payable solely from and secured only by revenues of the District realized through the collection of rates, rentals, or other charges, imposed for use of the facilities of such District. Such bonds shall be authorized by resolution of the Board and shall bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding five per centum per annum, payable semi-annually, be in such denominations and in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the Board shall determine, provided that the interest cost of the money received from any issue of such bonds shall not exceed five per centum per annum when computed to the maturity of the bonds according to standard tables of bond values.

Any resolution or resolutions authorizing any bonds hereunder, may contain provisions, which shall be a part of the contract with the holders of the bonds, as to (a) pledging all or any part of the gross or net revenues of the District to secure the payment of the bonds and interest thereon; (b) the amounts to be raised in each year by rates, rentals, and charges, and the use and disposition thereof, and of any other revenues of the District; (c) the setting aside of reserves or sinking funds and the regulation and disposition thereof; (d) limitations on the right of the District to restrict and regulate the use of its facilities; (e) limitations on the purposes to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) the

procedure, if any, by which the term of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

The bonds or other obligations of the District shall not constitute an obligation or indebtedness of the city or of the county and it shall be plainly stated on the face of each bond of the District that it has been issued under the provisions of this Act, and that it does not constitute an indebtedness of the city or of the county. All bonds authorized hereunder may be issued without a vote of the voters and without any other proceedings or happenings of any other conditions or things than those proceedings conditions and things which are specified and required by this Act. Such bonds shall be signed in the name of the District by the Chairman or Vice-Chairman of the Board, attested by the signature of the secretary-treasurer, with corporate seal of the District attached.

Section 14. In the event that the District shall default in the payment of principal of, or interest on, any of the bonds issued pursuant to this Act after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the District shall fail or refuse to comply with the provisions of this Act, or shall default in any agreement made with the holders of the bonds, the holders of twenty per centum in aggregate principal amount of the bonds then outstanding, by instrument or instruments filed in the office of the county clerk of the county embracing the District and proved or acknowledged in the same manner as a deed to be recorded, may apply to a judge in the Chancery Branch of the Circuit Court of the county, to appoint a trustee to represent all of the bondholders for the purposes herein provided. Upon such application such judge shall appoint a trustee and such trustee may, and upon written request of the holders of twenty per centum in principal amount of the bonds of the District then outstanding shall, in his or its own name (a) by mandamus or other suit, action or proceeding at law or in equity, enforce

all rights of the bondholders, including but not limited to the right to require the District to collect rates, rentals, and other charges, adequate to carry out any agreement as to, or pledge of, the revenues of the District, and to require the District and its officers to carry out any other agreement with the bondholders and to perform its and their duties under this Act; (b) bring suit upon the bonds; (c) by action or suit in equity, require the District to account as if it were the trustee of an express trust for the bondholders; (d) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of bondholders; (e) declare all bonds due and payable, and if all defaults shall be made good then to annul such declarations and its consequences.

Any such trustee, whether or not all bonds have been declared due and payable, shall be entitled as of right, upon application to the judge in the Chancery Branch, to the appointment of a receiver, who may enter upon and take possession of the facilities of the District, or any part or parts thereof, and operate and maintain the same, and collect and receive all rentals, rates, and other charges, and other revenues, of the District, thereafter arising therefrom, in the same manner as the District and its officers might do, and shall deposit all such monies in a separate account and apply the same in such manner as such Court shall direct. In any suit, action, or proceeding, by the trustee, the fees, counsel fees, and expenses of the trustee and of the receiver, if any, shall constitute disbursements taxable as costs. All costs and disbursements allowed by the court shall be a first charge on any revenue derived from the facilities of the District. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

Section 15. The initial unit of the District embraces the area that is co-terminus with the boundaries of the city of the first class, subject to extension in the county beyond the boundaries of such city, as in this Act provided. The Dis-

trict may construct and extend its initial sewer and drainage system and facilities beyond the corporate limits of such city of the first class and within the county in which such city is located whenever the District and the owner or owners of real property to be served and located outside the limits of such city, by appropriate written instrument, agree as to the apportionment of any and all costs of construction work subsequent maintenance and operation appertaining thereto, and as to payments by the owner or owners of such real property, of rates, rentals and charges, for the services and facilities to be thus afforded. Thereupon such real property served becomes a part of and is embraced in the District. In like manner the District may construct and extend its sewer and drainage system and facilities so as to serve all or any part of any other city or other incorporated area located in the same county, pursuant to a written agreement between the District and such other city or incorporated area approved by their respective governing boards or bodies. All such agreements referred to in this section shall be in appropriate form for recording and shall be filed of record with the county clerk as other instruments relating to transfer of or creating a lien upon such real estate. Any such agreements entered into by the District pursuant to this section may provide that the corporate boundaries of the District shall be enlarged and extended so as to include the real property of such other city or incorporated area, or part thereof, to be served pursuant to such agreement, and in such case when such instrument has been filed of record with the county clerk as aforesaid, the corporate boundaries of the District shall be thereby officially enlarged and extended so as to include same.

Section 16. The District created under the provisions of this Act shall have power to make and promulgate all rules and regulations proper and necessary to regulate the use, operation, and maintenance, of property and facilities under its control, and to carry into effect the powers granted the District by this Act. The jurisdiction of the District shall extend beyond the corporate boundaries thereof for regulation of any sewers, drains, or water courses, which by

natural flow, or otherwise, empty into or flow through any part of the District.

Section 17. In order to promote and protect its activities and facilities, and in furtherance of the public health, the District may enter into contracts with, and thereunder it may permit, other cities, towns, municipalities, sewer and drainage districts, located in the same county as such city of the first class to connect with and use the facilities of the District. The rates for such services and connections shall be such as may be agreed upon between the contracting parties.

Section 18. The District is authorized to enter into negotiations with the Federal Government and the Commonwealth of Kentucky, or either of them, or the agencies of both or either, and apply and obtain from them or either or both of them, any and all grants-in-aid that may be available.

Section 19. It is hereby found and declared that the creation of the District and the carrying out of its corporate purposes is in all respects in the interest of the public health and is a public purpose; that the District is performing a governmental function in the exercise of the powers conferred upon it by this Act and it shall be required to pay no taxes or assessments upon any property owned or acquired by it, under its jurisdiction, control, possession, or supervision, or upon its activities in the operation and maintenance of its facilities. Bonds issued by the District and income therefrom are exempt from taxation.

Section 20. If any clause, sentence, paragraph, or part of this Act, shall for any reason, be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, or part hereof, directly involved in the controversy in which such judgment shall have been rendered.

Section 21. Insofar as the provisions of this Act are inconsistent with the provisions of any other law, the provisions of this Act shall control.

Section 22. Operation under this Act shall begin July 1, 1946, or as shortly thereafter as is practicable.

By Mr. Gilligan.

H. B. 378. An Act to amend Section 96.540 of the Kentucky Revised Statutes relating to restrictions on conveyance or encumbrance of water works or lighting systems by cities of the second, third, fourth, fifth or sixth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: That Section 96.540 of the Kentucky Revised Statutes be and the same is hereby amended so that it shall read as follows:

(1) No city of the Second, Third, Fourth, Fifth or Sixth Class that owns a water works system, lighting system by gas or electricity, or any other public utility, shall sell, convey, lease or encumber the system or the income therefrom without the assent of two-thirds of the total number of legal voters of the city voting at an election held for that purpose, after sixty consecutive days' notice of the election next before the date of the election has been published in the newspaper having the largest circulation in the city. If, in the case of a city of the fourth, fifth or sixth class, no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election.

(2) In the case of a city of the fourth, fifth or sixth class the election shall be ordered and the election officers shall be selected by the city legislative body, the ballots shall be provided by the city clerk and a tabulation of the vote shall be done by the city legislative body in the presence of the mayor; in all other respects the election shall be conducted under the regular election laws.

(3) This section shall not apply to the issuance of revenue bonds under the provisions of KRS 96.350 to 96.520.

By Roy W. Arnold and Clyde Howard.

H. B. 379. An Act to amend the Constitution of the Commonwealth of Kentucky to change the times for the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by changing and fixing the times for the election of officers and the times for the meetings of the General Assembly, through the enactment of the following new section:

(1) The times for the election of members of the General Assembly and state, county, district and municipal officers hereinafter named are fixed as follows: Members of the House of Representatives at the general election in 1949 for a term of one year and thereafter at the general election in 1950 and every two years thereafter; Members of the Senate from even-numbered districts at the general election in 1949 for a term of three years and thereafter at the general election in 1952 and every four years thereafter; Members of the Senate from odd-numbered districts at the general election in 1949 for a term of three years and thereafter at the general election in 1952 and every four years thereafter; Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Attorney-General, Secretary of State, Superintendant of Public Instruction, Commissioner of Agriculture, Labor and Statistics, Clerk of the Court of Appeals, and Railroad Commissioners at the general election in 1949 for terms of three years each and thereafter at the general election in 1952 and every four years thereafter; Circuit Judges, Commonwealth's Attorneys and Clerks of the Circuit Courts at the general election in 1952 and every six years thereafter; Judges of the County Courts, County Court Clerks, County Attorneys, Sheriffs, Jailers, County Commissioners, Surveyors, Assessors (or Tax Commissioners), Coroners and Justices of the Peace at the general election in 1949 for a term of three years each, and thereafter at the general elec-

tion in 1952 and every four years thereafter. All officers elected by voters of the cities or towns of this Commonwealth shall be elected in such years as the General Assembly may provide.

(2) There shall be no election of Circuit Judges, Commonwealth's Attorneys, and Circuit Court Clerks in the year 1951 but the officers then in office shall serve until the first Monday in January, 1953.

(3) Because of the change in the dates of the election of members of the General Assembly herein provided for, the General Assembly shall meet on the first Tuesday after the first Monday in January, 1950, and on the same day in 1951, and thereafter on the same day in every second year.

Sec. 2. This amendment shall be submitted to the voters of the state for their ratification or rejection at the time and in the manner provided under sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

By Mr. Prichard.

H. B. 380. An Act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A new section of the statutes is created, to be numbered KRS 244.245 and to read as follows:

(1) No wholesaler of distilled spirits or wine shall, as a condition to or restriction upon the sale or distribution of any distilled spirits or wine, or in any way in connection with the selling or offering for sale of distilled spirits or wine, require a retailer to purchase more than one brand, class or type of distilled spirits or wine, or any brand, class or type of distilled spirits or wine other than or in addition to that which the retailer seeks to purchase.

(2) No retailer of distilled spirits or wine shall, as a condition to or restriction upon the sale or distribution of any distilled spirits or wine, or in any way in connection

with the selling or offering for sale of distilled spirits or wine, require a consumer to purchase more than one brand, class or type of distilled spirits or wine, or any brand, class or type of distilled spirits or wine other than or in addition to that which the consumer seeks to purchase.

(3) Any person who violates any of the provisions of this section shall be fined not less than one hundred dollars nor more than five hundred dollars.

(4) Any license issued under KRS 243.020 to 243.670 may be revoked if the licensee violates any of the provisions of this section, and any such license shall be revoked if the licensee, within any period of two consecutive years, is found guilty of two or more violations of this section.

By Charles W. Burnley, and Morgan (Fred).

H. B. 381. An Act amending subsection (2) of section 23.050 of the Kentucky Revised Statutes, fixing the regular term of the Circuit Court in the Counties of McCracken and Marshall, constituting the second Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

McCracken County, at Paducah, on the first Monday in January, eighteen juridical days; on the first Monday in February, forty-two juridical days; on the second Monday in April, eighteen juridical days; on the second Monday in May, thirty-six juridical days; on the second Monday in September, thirty juridical days; on the second Monday in November, thirty-six juridical days.

Marshall County, at Benton, on the fourth Monday in March, twelve juridical days; on the fourth Monday in June, eighteen juridical days; on the third Monday in October, twelve juridical days.

By Mr. Weintraub.

H. B. 382. An Act relating to the clerk of the police court in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.570 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The police judge in cities of the second class may appoint a clerk of his court, who shall receive a salary fixed by ordinance at not less than $1800 nor more than $2400 per annum. Upon appointment the clerk shall be eligible for classification under the city civil service law as provided in KRS chapter 90, as are other city employes.

By Mr. Weintraub.

H. B. 383. An Act amending subsection (2) of KRS 92.590, relating to the payment of taxes in cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 92.590 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, taxpayers owing ad valorem taxes shall pay them, without demand therefor, at the treasurer's office. The taxpayer may pay the whole tax at any time after the tax bills have been made out and delivered to him. Taxes paid during the month of April in the year in which they are due and payable may be reduced by a discount of three percent, and taxes paid during the month of May in that year may be reduced by a discount of two percent, if the city, by ordinance, so provides. Taxes not paid within one calendar month after they are due shall be deemed delinquent and shall have added to them a penalty of ten percent, and shall thereafter bear interest at the rate of one-half of one percent for each month or fraction of a month until paid, or until the property of the delinquent has been sold for the tax. When taxes are paid the treasurer

shall note on the stub of the bill the amounts paid and the date thereof, and shall deliver the receipted bill, countersigned by the auditor, to the taxpayer. When any person desires to pay taxes on any one item of real estate in a tax bill he shall be allowed to do so, if the city's interest will not be prejudiced thereby, and shall be given a receipt showing the date and the amount of the payment, the number of the tax bill, the name of the person against whom the tax bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the stub, and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

By Mr. Weintraub.

H. B. 384. An Act relating to the fees and compensation of reporters of circuit courts, and the making and use of transcripts of evidence and copies thereof.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of reporters of circuit courts, other than courts of continuous session, shall be fifteen dollars per day for taking shorthand notes and thirty cents per one hundred words for furnishing the original transcript, in all cases.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon motion of the defendant, he shall pay for it, if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript the court shall direct the same to be paid for by the county.

(b) In civil cases the fees shall be paid to the reporter forthwith by the party in whose behalf the report of tran-

script is ordered and shall be taxed as part of the costs of the action.

(c) The reporter shall not be required to file a transcript in any civil or criminal case without payment therefor by the party in whose behalf it is ordered, or in criminal cases where the county is to pay for the same, without payment therefor by the county.

(2) For duplicate copies of transcripts furnished in circuit courts other than courts of continuous session, the reporter shall be allowed one-half the rate allowed for the original transcript, to be paid for in the same manner as the original, except where the duplicate is ordered by a party other than the party who ordered the original, in which case the duplicate shall be paid for at the same rate as for an original.

Section 2. Section 28.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an appeal is taken to the Court of Appeals in any action in a circuit and a transcript of evidence and proceedings in the action is desired for the use as a part of the record on appeal, the reporter shall, at the request of any party appealing, and upon being paid the prescribed fee therefor, transcribe and file an original and one carbon copy of the transcript of evidence and proceedings taken down by him, with the clerk of the circuit court, the carbon copy to remain permanently in the office of said clerk and the original to be transmitted by the clerk to the Clerk of the Court of Appeals.

(2) Any depositions or other written record read or considered to be read into or made a part of the record which is being taken down by a reporter of the circuit court, shall be incorporated into and made a part of any appeal record furnished by the reporter.

Ordered that said bills and resolutions be printed and referred..

The House took up for consideration from the Calendar bills of the following title, viz.:

S. B. 70. An Act relating to county law libraries.

H. B. 266. An Act relating to stenographers for County Attorneys in counties containing a city of the second class.

H. B. 263. An Act authorizing circuit judges in counties containing a city of the second class to appoint a secretary to the master commissioner of said court.

H. B. 260. An Act concerning city police and fire departments.

With a Committee Amendment thereto.

H. B. 241. An Act relating to billiard and pool rooms.

S. B. 43. An Act relating to public education.

H. B. 135. An Act relating to education.

H. B. 245. An Act relating to purchases by Boards of Education within the Commonwealth.

H. B. 219. An Act relating to barbers.

H. B. 4. An Act relating to execution of death sentence.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House, as follows, viz.:

House Bill No. 301—Committee on State Fair

House Bill No. 302—Committee on Appropriations

House Bill No. 303—Committee on Agriculture No. 1.

House Bill No. 304—Committee on Motor Transportation

House Bill No. 305—Committee on Revenue & Taxation

House Bill No. 306—Committee on Cities of Second Class

House Bill No. 307—Committee on Trade & Commerce

House Bill No. 308—Committee on Revenue & Taxation

House Bill No. 309—Committee on Cities of First Class

House Bill No. 310—Committee on Ways & Means

House Bill No. 311—Committee on Agriculture No. 1

House Bill No. 312—Committee on Game & Fish

House Bill No. 313—Committee on Cities of Second Class

House Bill No. 314—Committee on Revenue & Taxation

House Bill No. 315—Committee on Agriculture No. 1

House Bill No. 316—Committee on Cities of First Class

House Bill No. 317—Committee on Public Bridges & Ferries

House Bill No. 318—Committee on Cities of First Class

House Bill No. 319—Committee on Cities of First Class

House Bill No. 320—Committee on Cities of First Class

House Bill No. 321—Committee on Motor Transportation

House Bill No. 322—Committee on Cities of Second Class

House Bill No. 323—Committee on Ways & Means

House Bill No. 324—Committee on Cities of Second Class

House Bill No. 325—Committee on Cities of Second Class

House Bill No. 326—Committee on Ways & Means

House Bill No. 327—Legislative Research Committee

House Bill No. 328—Committee on Kentucky Statutes

House Bill No. 329—Committee on Cities of Second Class

House Bill No. 330—Committee on Public Health

House Bill No. 331—Committee on Suffrage & Elections

House Bill No. 332—Committee on Criminal Law

House Bill No. 333—Committee on Criminal Law

House Bill No. 334—Committee on Codes of Practice

House Bill No. 335—Committee on Criminal Law

House Bill No. 336—Committee on Cities of Second Class

House Bill No. 337—Committee on Railroad Transportation.

House Bill No. 338—Committee on Motor Transportation

House Bill No. 339—Committee on Agriculture No. 1.

House Bill No. 340—Committee on Criminal Law

House Bill No. 341—Committee on Compensation for Industrial Injuries

House Bill No. 342—Committee on Revenue & Taxation

House Bill No. 343—Committee on Ways & Means

House Bill No. 344—Committee on Ways & Means

House Bill No. 345—Committee on Revenue & Taxation

House Bill No. 346—Committee on Ways & Means

House Bill No. 347—Committee on Revenue & Taxation

House Bill No. 348—Committee on Public Health

House Bill No. 349—Committee on Cities of Fourth Class

House Bill No. 350—Committee on Roads & Highways No. 1.

House Bill No. 351—Committee on Courts

House Bill No. 352—Committee on Cities of Second Class

House Bill No. 353—Committee on Motor Transportation

House Bill No. 354—Committee on Cities of First Class

House Bill No. 355—Committee on Air Transportation

House Bill No. 356—Committee on Ways & Means

House Bill No. 357—Committee on Judicial Council

House Bill No. 358—Committee on Courts

House Bill No. 359—Committee on Ways & Means

House Bill No. 360—Committee on Ways & Means

House Bill No. 361—Committee on Cities of Second Class

House Bill No. 362—Committee on Juvenile Courts & Children's Homes

House Bill No. 363—Committee on Insurance—Fire & Marine

House Bill No. 364—Committee on Insurance—Life & Casualty

House Bill No. 365—Committee on Ways & Means

House Bill No. 366—Committee on Motor Transportation

House Bill No. 367—Committee on Codes of Practice

House Bill No. 368—Committee on Courts

House Bill No. 369—Committee on Education

House Bill No. 370—Committee on Ways & Means

House Bill No. 371—Committee on Courts

Senate Res. No. 5—Committee on Appropriations

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 36. An Act relating to reinstatement of veterans in the State Service.

With a Committee Amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who served in the Armed Forces of the United States in World War II, and who, immediately prior to entering such service, had permanent or probationary

status in a position in a department or agency of the State government, (other than a person appointed for a definite term which had expired), shall be forthwith reinstated in the same position in which he was employed at the time he entered service, or, if such position no longer exists, in a positon of equal class and compensation rate.

Section 2. Section 1 of this Act shall not require the reinstatement of any person unless such person makes application for reinstatement within ninety days after receiving a discharge other than dishonorable from the Armed Forces, or within ninety days after the effective date of this Act, whichever is the latest, or unless such person is physically able to perform the duties of the position in which he seeks reinstatement.

Section 3. Any person reinstated under the provisions of this Act shall not be removed from such employment, except for cause, for a period of one year from the time of his reemployment, or for a period of time equal to the time he served in the Armed Forces, whichever period of time is the longer.

Section 4. Any person entitled to reinstatement under the provisions of this Act, who, upon application, is not reinstated as required, or who is discharged without cause during the period he is entitled to remain in such position under the provisions of this Act, shall have a civil cause of action for damages against the officer having the power of appointment to such position. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to reinstatement under this Act, who fails upon due application to make such reinstatement, shall be fined not less than Five Hundred ($500.00) Dollars nor more than Ten Thousand ($10,000.00) Dollars.

Section 5. Any person reinstated under this Act shall receive salary increments and service credits for service for the period served in the Armed Forces, the same as though such time were served in the course of his regular employment.

Section 6. Whereas, it is important that returning veterans, who entered the Armed Forces from state employment,

be promptly reinstated in their former positions to avoid further hardships to them, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section one.

For the purpose of this act the following words and phrases are hereby defined (or explained):

"Agency" means a department, division, institution, or unit in the executive branch of the state government operated directly by the commonwealth;

The term "armed forces" in World War II includes the army, navy, coast guard, marines, and full-time uniformed auxiliary military services, such as (but not restricted to) the merchant marine and the Red Cross; but the term does not extend to the distinctly civilian activities of any of these agencies, whether or not uniform dress was prescribed;

"Veteran" means a man or woman who served in the armed forces during World War II;

"Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill, and such other characteristics, that the same title, the same tests of fitness, and the same schedule of compensation has been or may be applied to each position in the group;

"Council" or "Kentucky Personnel Council" refers to the agency of the state government provided by section two or this act as distinguished from the "Personnel Council" hitherto established by executive action in the Department of Finance;

"Eligible" means any applicant for a merit examination who receives a final passing rating;

"Generally subject to the terms of this act" refers to agencies of the state government subject to the merit personnel system provided in this act as distinguished from all other agencies which are subject to section six hereof;

"Permanent status" or "permanent appointment" has reference to the state service status of an employee who has served a probationary period and become a permanent employee of the Commonwealth pursuant to rules adopted in conformity with KRS 42.110 to 42.150 inclusive or with this act.

"Increment" means a salary addition above the minimum within the salary schedule for the class of position as provided for in the official compensation plan for the state;

"Register" means an official list of eligibles for a class of position in the order of their final ratings in an examination;

"Supervisor" means the Merit System Supervisor.

Section two.

There is hereby created an independent Kentucky Personnel Council of four members, each of whom shall be a person of recognized standing and known to have an interest in the merit principle in government. At its first meeting and thereafter at each June meeting the members shall elect a chairman from its membership, and the Supervisor shall serve as an ex officio secretary. No member of the Council shall hold, or during the preceding three years have held, any other public office or any position whatever in any political party organization, nor shall he take, or during the preceding three years have taken, any part in partisan political activity beyond voting or privately expressing an opinion. No member shall be, or during the preceding three years have been, an employee of any agency referred to in the federal Social Security Act of 1935 as amended or of any Kentucky state agency the personnel of which is generally subject to the terms of this act. Except as otherwise provided herein, members of the Council, who shall serve without pay, but whose expenses shall be reimbursed by the Commonwealth, shall be appointed by the Governor for terms of four years each, or in case of a vacancy for the remainder of the term. The Council shall hold meetings in Frankfort on the first Monday of each month unless its members by unanimous vote shall provide a different schedule for meetings.

The functions of the Personnel Council heretofore cre-

ated by executive action are hereby transferred to the Kentucky Personnel Council. The Council shall be the successor in every respect to the Personnel Council. The Personnel Council officers and employees (including the appointive board members, who shall serve as members of the Council for the remainder of the terms for which they were appointed), the property, the records, the pending business, and the unexpended appropriations or other financial provisions for operation are transferred to the Kentucky Personnel Council. Without limiting the extent of the transfer of functions it is observed: (a) that whenever the Personnel Council is referred to, or designated in, any contract, memorandum or understanding, or document, the reference or designation shall hereafter be deemed to refer to the Kentucky Personnel Council created by this act; and (b) that the classification, compensation, and examination plans heretofore formulated and the personnel rules and regulations heretofore issued by executive authority shall remain in full force and effect until superseded by orders pursuant to this act. Also hereby transferred to the Council are the duties and responsibilities heretofore vested in the Division of Personnel Efficiency under the direction of the Commissioner of Finance by Section 6, Article 10 of the Acts of the First Extraordinary Session of the General Assembly begun in the city of Frankfort on Monday, February 4, 1936 (now KRS 42.110 to 42.150 inclusive) so far as these duties are concerned with the agencies generally subject to the terms of this act.

The work of the Kentucky Personnel Council shall be supported in two ways. (1) The expense of conducting examinations and rendering other service to agencies generally subject to the terms of this act shall be borne by the agencies on the basis of an equitable apportionment plan subject to revision from time to time. (2) There is hereby appropriated for the purpose of meeting the expense of investigating the facts and conducting hearings concerned with the reinstatement of veterans for the remainder of the present fiscal year, $2000; for the fiscal year 1946-47, $4000; and for the fiscal year 1947-48, $2000. As the employees of the Commonwealth, other than in agencies generally subject to the terms of this

act, will be engaged in activities related to highway construction and maintenance, half this appropriation shall be charged to the State Road Fund and half to the State General Fund.

Section three.

It shall be the duty of the Council:

(a) to adopt comprehensive rules and regulations, consistent with the provisions of this act and with the personnel standards defined pursuant to the federal Social Security Act of 1935 as amended, for the administration of the merit system in the agencies of the state government generally subject to the terms of this act;

(b) to establish general policies for personnel recruitment and merit examinations for these agencies;

(c) to approve classification and compensation plans for all positions (except as otherwise provided by law) in agencies generally subject to the terms of this act;

(d) to hear appeals from applicants for positions for which merit examinations are being or have been conducted, from eligibles on examination registers, and from employees serving under the merit system in the agencies generally subject to the terms of this act;

(e) to adopt rules and regulations pertaining to the reinstatement of veterans of World War II, and to hear appeals from veterans of World War II who have been or are now directly employed by the state government as provided in section six of this act;

(f) to approve budgets to cover all costs of merit system operation;

(g) to promote public understanding of merit principles in government service;

(h) to make an annual written report to the Governor, and to provide copies for agencies under the merit system;

(i) to appoint a Merit System Supervisor, to advise with him on the administration of the merit system, and to inspect and review his activities.

Section four.

The Merit System Supervisor, an employee subject to the general supervision of the Council, shall be appointed in

accordance with the merit system rules and regulations adopted by the Council and shall be the administrator of the merit system program. He shall be a person who has had training and experience in merit system administration or in a related field, shall have known sympathies with the merit principle in government service, and shall possess such other qualifications as are requisite to the performance of the duties of the position. The Supervisor shall not hold, nor during the three years immediately preceding his appointment have held, public office or position in any political organization, nor shall he take, or during the preceding three years have taken, any part in partisan political activity beyond voting or privately expressing an opinion. Within the limitations of the budget, the Supervisor shall appoint such staff as may be necessary and essential for the operation of his office.

It shall be the duty of the Supervisor:

(a) to survey all positions under the merit system and, in cooperation with the agencies generally subject to the terms of this act, to prepare and maintain comprehensive classification and compensation plans;

(b) to devise effective personnel recruiting campaigns to attract qualified applicants for positions;

(c) to prepare, administer, and score merit examinations;

(d) to prepare and maintain registers of eligible applicants resulting from the examinations and to be the custodian of all registers;

(e) to determine the availability of the eligibles for appointment;

(f) to certify eligibles for appointment;

(g) to determine the adequacy of existing registers;

(h) to cooperate with the agencies in the development and maintenance of service rating systems and sound promotional policies;

(i) to prepare budget to cover all costs of merit system operation;

(j) to review and certify all appointments, inter-agency transfers, and pay rolls involving the personnel of agencies

generally subject to the terms of this act for conformity with the merit system rules and regulations; and

(k) to perform such duties other than those herein specified as may be prescribed by the Council.

Section five.

This act provides a merit system for all personnel employed in agencies supported wholly or in part, directly or indirectly, by appropriations by the Congress of the United States pursuant to the Social Security Act of 1935 as amended. Any other agency of the state government may be brought within (but not removed from) the purview of this merit system by executive order of the Governor, within the instance of constitutional administrative departments (as enumerated in KRS 12.020) the approval of the head of the department concerned.

It is the purpose of this act to make the merit system fully applicable to the agencies referred to in the preceding paragraph, including any which may be added by executive order. It is also the purpose of the act to provide for the reinstatement of veterans in all agencies of the state government (those generally subject to the terms of this act as well as others) and to assure proper administration of reinstatement by means of an unbiased review of actions which aggrieve veterans who apply for reinstatement.

Section six.

Any veteran who, immediately and within thirty days prior to entering the armed forces, was employed on permanent status in any agency of the state government in a position other than one required by law to be filled by or with the approval of the Governor, shall be within 30 days reinstate in his position provided;

(a) such person makes application for reinstatement within 90 days from his discharge or release from the armed forces, or from a hospital in the event of illness immediately following discharge or release from the armed services, or within 90 days from the effective date of this act, whichever is the latest;

(b) the discharge or release from the armed forces is other than dishonorable; and

(c) such person is physically and mentally able to perform the duties of the position in which he seeks reinstatement.

Except as otherwise provided herein, the veteran shall be reinstated in the same position he held on permanent appointment, or if such position no longer exists, in a position of the same class and general locality. In the event the position has been reclassified, the successor class of position shall be regarded for the purpose of this section as identical with the original one. If any agency has superseded an agency in which a veteran had been employed, then the successor agency shall be regarded for the purpose of this section as identical with the predecessor agency. If more than one veteran applies for reinstatement in the same position in an agency of the state government, the one who first entered the armed forces shall be reinstated in such position. The others shall be reinstated in positions, if any, in the same class. If there are no such positions, they shall be reinstated in the positions, if any, they held on permanent status immediately prior to the transfer or promotion to the position vacated by the person entering the armed forces. A veteran who had held a permanent appointment or a permanent war service appointment in an agency of the state government, and who cannot be reinstated in the same position or in another position in the same class because the position or positions are held by a veteran or veterans who had earlier entered the armed forces, shall be reinstated in a position in the next lower class for which he is eligible.

A veteran who cannot be reinstated in his position by reason of service-acquired handicap shall be entitled to reinstatement in a comparable position, if there is one for which he is qualified under rules adopted pursuant to section three of this act. It shall be the duty of the Council to provide medical examination facilities to implement the provisions of this paragraph.

A veteran reinstated under these provisions shall receive a salary as many increments above the minimum of the class in which he is reinstated as he received at the time he left to enter the armed forces increased by the increments for

which he would have been eligible had he remained continuously in the state service. In no case, however, shall the salary exceed the maximum provided for the class of position pursuant to KRS 42.110 (e) and (f).

No veteran reinstated under the provision of this section shall be removed from such employment, except for cause, for a period of one year from the date of his reinstatement.

Any veteran included in the provisions of this section who is denied reinstatement, or who, upon reinstatement, is removed from such employment for a reason other than cause within one year of his reinstatement, or who believes he has not been accorded equitable treatment upon his reinstatement, shall have the right to appeal to the Council. It shall be the duty of the Council to hear the appeal promptly and after full investigation to make a decision in accordance with the provisions of this section. The decision shall be final and shall bind the veteran, the Commonwealth, and the agency concerned.

Section seven.

All laws or parts of laws in conflict with this act are hereby repealed to the extent of the conflict. This repealer applies to inconsistent parts of KRS 150.071 to 150.083 inclusive in the event the Governor shall order the Division of Fish and Game generally subject to the terms of this act.

Section eight.

Whereas, it is important that returning veterans who entered the armed forces from state employment, be promptly reinstated in their former positions to avoid further hardships to them, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor.

Said Substitute was then adopted.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
Alex. H. Calvert
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
Ira W. Hulette
Kerby Jennings
Paul Jonas
B. F. Kincaid
G. O. Kirkpatrick
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Morris Weintraub
Rodney Whitlow
Mr. Speaker

—79

Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 160. An Act relating to fences.

(With a Committee Amendment thereto.)

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 256.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a division fence is desirable, or is made necessary by the division of improved or enclosed lands, or when no fence exists between the improved or enclosed lands of adjoining owners, or improved lands where the right of way is owned by one person, either landowner may, after he has built a lawful fence upon his portion of the line, require the other to erect a lawful fence out of planks, rails, or wire upon his portion of the line. No barbed wire shall be used, without the consent of owners of land on both sides of the fence. If the other fails to erect the fence within ten days after notice is given in writing, addressed and mailed to the postoffice nearest the land concerned, the person desiring the fence shall post a reasonable number of written signs or notices along the course on which he proposes to erect the fence, giving a description of the type and length of the fence proposed to be erected. If the other landowner still fails to erect the fence, the person desiring the fence may erect the fence after a period of thirty days has elapsed from the posting of written signs describing the proposed fence, and one-half the cost of erection shall constitute a lien, superior to all others, in favor of the person desiring the fence and upon the

land of the person failing to erect the fence, and shall be enforced as other liens.

(2) Subsection (1) shall not apply where the person who erects the fence has received compensation for fencing his entire line, or where written agreements concerning the fencing have been entered into.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 160 on page 1, section 1, line 11 by striking the word "Ten" and inserting in lieu thereof the word "thirty".

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, and the same having been engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Chas. W. Burnley	Otto W. Goff
Roy W. Arnold	Alex. H. Calvert	C. L. Hammonds
Henry Arrowood	W. K. Coleman	Harold G. Helm
F. O. Baker	Fred Creasey	E. R. Hilton
Harold L. Barnes	S. J. Daugherty	Maurice Howard
F. H. Bassett, Jr.	L. A. Demumbrun	Jerry F. Howell
Ott Begley	E. R. Denny	J. J. Huff
W. G. Biggers	Adron Doran	Ira W. Hulette
Jack Bingham	G. I. Drury	W. H. Hunt
B. J. Bonn	Bernie S. Edlin	Kerby Jennings
J. C. Bradley	Eck Embry	Paul Jonas
B. K. Brantley	Henry J. Giles	L. H. Jones
John Y. Brown	Tom Gilliam	B. F. Kincaid
Mrs. Mary Burnett	M. B. Gilligan	G. O. Kirkpatrick

H. K. Lowman	Thos. A. Noe	Geo. W. Steinford
E. J. Lucas	Louis T. Peniston	L. S. Stephens
Ed Marcum	Sylvester Phillips	C. W. Taylor
E. H. Martin	L. W. Preston	E. L. Thompson
W. E. McClure	E. F. Prichard	Ray G. Tipton
Jack McPherron	Hobart Raybúrn	E. N. Todd
Harry L. Moore	Kelse H. Risner	Walter L. Trivette
J. L. Moore	Amos Runyan	S. J. Wagner
J. Lee Moore	J. W. Simmons	Harry F. Walters
Fred Morgan	Luther Slusher	Lawrence Wells
Joe T. Morgan	Forrest Smith	Rodney Whitlow
E. C. Mullins	E. A. Spencer	
Rodes K. Myers	Paul J. Stapleton	—79

There voted in the negative—

Wade H. Riley —1

Resolved that the title thereof be as aforesaid.

Mr. Hammonds moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 257. An Act relating to divorces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 403.020 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

(1) A divorce may be granted to either party for the following causes:

(a) Such impotency or malformation as prevents sexual intercourse; or

(b) Living apart without any cohabitation for five consecutive years next before application.

(2) A divorce may be granted to the party not in fault for the following causes:

(a) Abandonment for one year;

(b) Living in adultery;

(c) Condemnation for felony in or out of this state;

(d) Concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such a disease afterward;

(e) Force, duress or fraud in obtaining the marriage; or

(f) Uniting with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabiting.

(3) A divorce may be granted to the wife, if she is not in like fault, for the following causes:

(a) Confirmed habit of drunkenness of not less than one year's duration, accompanied by a wasting of the husband's estate and without any suitable provision for the maintenance of the wife or children;

(b) Habitually behaving toward her, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her or to destroy permanently her peace or happiness; or

(c) Such cruel beating or injury, or attempt at injury, of the wife as indicates an outrageous temper in the husband, or probable danger to her life, or of great bodily injury, from her remaining with him.

(4) A divorce may be granted to the husband for the following causes:

(a) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage.

(b) When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration;

(c) Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery;

(d) Habitually behaving toward him, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace or happiness; or

(e) Such cruel beating or injury, or attempt at injury, of the husband as indicates an outrageous temper in the wife, or probable danger to his life, or great bodily injury, from his remaining with her.

(5) A divorce may be granted to the sane spouse when either the husband or wife has become permanently and incurably insane; provided, that no divorce shall be granted under this section unless such permanently incurably insane person shall have been confined in an insane asylum, hospital or other similar institution for a period of not less than five successive years prior to the filing of the petition for divorce, whether such period of time shall have been prior to or subsequent to the passage of this Act or partly both, nor unless the Court shall find from the testimony of two or more physicians competent in psychiatry that such insanity, in their opinion, is permanently incurable.

The petition shall be filed under oath, in the court having jurisdiction over divorce matters in either the county where the plaintiff resides or in the county where the institution is located in which the insane person is confined.

Service of process under this section shall be made as provided in Section 53, Kentucky Civil Code of Practice, relating to service of process upon persons of unsound mind.

In cases arising under this section the Court shall possess all powers which courts of equity now have, or which may hereafter be conferred upon them, relative to alimony and custody and control and support of infant children of the parties. Where the plaintiff is the husband the Court may, when necessary and circumstances warrant, require the plaintiff to pay alimony, support or maintenance for the benefit of said defendant and make provision for the reasonable expense for the burial of said defendant, or it may require the plaintiff to give bond to the State of Kentucky, conditioned upon the payment by the plaintiff for the care and maintenance of said defendant during the remainder of her life and necessary funeral expenses.

The Court may, upon notice, modify or revoke any orders or decrees relating to the custody of infant children and their support and the support and maintenance of the defendant.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	L. W. Preston
Henry Arrowood	C. L. Hammonds	E. F. Prichard
F. O. Baker	Jerry F. Howell	Hobart Rayburn
Ott Begley	J. J. Huff	Kelse H. Risner
W. G. Biggers	B. F. Kincaid	Amos Runyan
Jack Bingham	G. O. Kirkpatrick	J. W. Simmons
B. K. Brantley	H. K. Lowman	Forrest Smith
John Y. Brown	E. J. Lucas	W. R. Smith
Chas. W. Burnley	Ed Marcum	L. S. Stephens
W. K. Coleman	W. E. McClure	C. W. Taylor
Fred Creasey	Jack McPherron	E. L. Thompson
S. J. Daugherty	Harry L. Moore	Ray G. Tipton
L. A. Demumbrun	J. L. Moore	E. N. Todd
E. R. Denny	J. Lee Moore	Walter L. Trivette
G. I. Drury	Joe T. Morgan	S. J. Wagner
Eck Embry	E. C. Mullins	Harry F. Walters
Henry J. Giles	Rodes K. Myers	Morris Weintraub
Tom Gilliam	Thos. A. Noe	Lawrence Wells
Otto W. Goff	Louis T. Peniston	Rodney Whitlow

—57

Those who voted in the negative were—

Harold L. Barnes	Maurice Howard	Wade H. Riley
F. H. Bassett, Jr.	Ira W. Hulette	Luther Slusher
Alex. H. Calvert	Kerby Jennings	E. A. Spencer
A. H. Eversole	L. H. Jones	Geo. W. Steinford
M. B. Gilligan	A. L. Love	Lyle H. Webb
Clyde S. Howard		

—16

Resolved that the title thereof be as aforesaid.

Mr. Myers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 176. An Act amending Section 382.110 KRS by adding thereto a provision that where grantor in deed, mortgage or other instrument of writing conveying any interest in land, etc.

Mr. Phillips moved that said bill be recommitted

To the Committee on Kentucky Statutes.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 60. An Act relating to motor transportation, paying renewal fees, insurance fees, etc.

Mr. Wagner moved that said bill be made a Special Order of the Day for February 19 at two o'clock p. m.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 50. An Act relating to public road districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 184.280, Kentucky Revised Statutes, 1944 (Second Edition) be and the same is hereby repealed, amended and reenacted so that when reenacted same shall read as follows:

184.280 DUTIES AND LIABILITIES OF TREASURER OF DISTRICT: PUBLIC FISCAL REPORT: BOND.

The treasurer of the road district shall be charged with

keeping all monies collected on account of the special assessment, interest and penalties, and he shall dispense the same only in payment of the construction costs, apportionment warrants or bonds, as the case may be, or for regular expenses of the district. He shall publish semiannually in a newspaper of general circulation in the county in which the district is located, a financial statement of the district's fiscal condition and send to the fiscal court of that county a signed copy of these semiannually published financial statements. The treasurer shall be bonded in an amount to be fixed by order entered by the county court and shall be liable upon his official bond for the safekeeping of the funds of the district. (1942, c. 65, Sec. 28)

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	G. I. Drury	Ira W. Hulette
Henry Arrowood	Forest C. Easley	Kerby Jennings
F. O. Baker	Bernie S. Edlin	Paul Jonas
Harold L. Barnes	Eck Embry	L. H. Jones
F. H. Bassett, Jr.	A. H. Eversole	B. F. Kincaid
Ott Begley	Henry J. Giles	G. O. Kirkpatrick
W. G. Biggers	Tom Gilliam	A. L. Love
Jack Bingham	M. B. Gilligan	H. K. Lowman
B. J. Bonn	Otto W. Goff	E. J. Lucas
John Y. Brown	R. M. Hall	E. H. Martin
Mrs. Mary Burnett	C. L. Hammonds	W. E. McClure
Chas. W. Burnley	Harold G. Helm	Jack McPherron
Alex. H. Calvert	E. R. Hilton	Harry L. Moore
S. J. Daugherty	Clyde S. Howard	J. L. Moore
L. A. Demumbrun	Maurice Howard	J. Lee Moore
E. R. Denny	Jerry F. Howell	Fred Morgan
Adron Doran	J. J. Huff	Joe T. Morgan

E. C. Mullins	Kelse H. Risner	Ray G. Tipton
Rodes K. Myers	Amos Runyan	E. N. Todd
Thos. A. Noe	J. W. Simmons	Walter L. Trivette
Joe E. Nunn	Luther Slusher	S. J. Wagner
Louis T. Peniston	W. R. Smith	Harry F. Walters
L. W. Preston	E. A. Spencer	Lyle H. Webb
E. F. Prichard	L. S. Stephens	Lawrence Wells
Hobart Rayburn	C. W. Taylor	Rodney Whitlow

—75

Resolved that the title thereof be as aforesaid.

Mr. Lucas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 53. An Act relating to water districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 74.050 Kentucky Revised Statutes, 1944 (Second Edition) be and the same is hereby repealed, amended and reenacted so that when reenacted same shall read as follows:

74.050 (938g-15; 938g-19) TREASURER: DUTIES: COMPENSATION: PUBLIC FISCAL REPORT: BOND.

The treasurer of the commission shall pay out of the funds of the commission only upon presentation of warrants signed by the chairman and countersigned by the secretary of the commission. As compensation for his services the treasurer shall receive an amount fixed by the commission, not to exceed $200 annually. He shall execute bond to the commission in an amount fixed by the commission. He shall publish semiannually in a newspaper of general circulation in the county in which the district is located, a financial state-

ment of the district's fiscal condition and send to the fiscal court of that county a signed copy of these semi-annually published financial statements.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Rodes K. Myers
Henry Arrowood	C. L. Hammonds	Thos. A. Noe
F. O. Baker	Harold G. Helm	Joe E. Nunn
Harold L. Barnes	E. R. Hilton	Louis T. Peniston
F. H. Bassett, Jr.	Clyde S. Howard	L. W. Preston
Ott Begley	Jerry F. Howell	Kelse H. Risner
W. G. Biggers	J. J. Huff	Amos Runyan
Jack Bingham	Ira W. Hulette	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
John Y. Brown	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	C. W. Taylor
S. J. Daugherty	E. J. Lucas	Ray G. Tipton
L. A. Demumbrun	E. H. Martin	E. N. Todd
Adron Doran	W. E. McClure	Walter L. Trivette
G. I. Drury	Jack McPherron	S. J. Wagner
Forest C. Easley	Harry L. Moore	Harry F. Walters
Bernie S. Edlin	J. L. Moore	Lyle H. Webb
Eck Embry	J. Lee Moore	Morris Weintraub
Tom Gilliam	Fred Morgan	Lawrence Wells
M. B. Gilligan	Joe T. Morgan	Rodney Whitlow
Otto W. Goff	E. C. Mullins	—77

Resolved that the title thereof be as aforesaid.

Mr. Lucas moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 117. An Act making provision for an Advisory Commission for the coordination of services for the blind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a Kentucky Advisory Commissioner for the Blind, to be composed of the Superintendent of Public Instruction, the Director of Vocational Rehabilitation in the Department of Education, the Superintendent of the Kentucky School for the Blind, the Commissioner of Welfare, and the Commissioner of Health. Each member may in writing designate one of his assistants to act in his place as a member of the Commission. The Commission shall select one of its members as chairman and one as secretary. The Commission shall hold quarterly meetings at such time and place as may be agreed upon, and may meet at other times at the call of the chairman. The members of the Commission shall serve without compensation, and shall have no authority to incur expenses.

Section 2. The functions of the Kentucky Advisory Commission for the Blind shall be to ascertain ways and means for coordinating all state services for the blind; to make recommendations to the various agencies of the state government serving the blind with respect to the transfer and referral of cases between such agencies, and with respect to the types of services needed; and to establish a close liason among the various agencies of the state government rendering services to the blind. The Commission shall serve all state agencies for the blind in an advisory capacity.

Section 3. The various agencies of the state government serving the blind shall from time to time submit to the Ken-

tucky Advisory Commission for the Blind such reports as may be required by the Commission concerning the work of such agencies, with appropriate observations and recommendations thereon and pertinent statistics.

Mr. Burnley offered the following amendment to said bill, viz.:

Amend H. B. 117 on page 1, section 1, line 5 after the words "Commissioner of Welfare" add "Director of Public Assistance, Director of Child Welfare."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	Clyde S. Howard
F. O. Baker	E. R. Denny	Maurice Howard
Harold L. Barnes	Adron Doran	Jerry F. Howell
F. H. Bassett, Jr.	G. I. Drury	Ira W. Hulette
Ott Begley	Forest C. Easley	Kerby Jennings
W. G. Biggers	Bernie S. Edlin	Paul Jonas
Jack Bingham	Eck Embry	L. H. Jones
B. J. Bonn	Henry J. Giles	B. F. Kincaid
J. C. Bradley	Tom Gilliam	Homer E. Losey
B. K. Brantley	M. B. Gilligan	A. L. Love
John Y. Brown	Otto W. Goff	H. K. Lowman
Mrs. Mary Burnett	R. M. Hall	E. J. Lucas
Chas. W. Burnley	C. L. Hammonds	E. H. Martin
Alex. H. Calvert	Harold G. Helm	W. E. McClure
Fred Creasey	E. R. Hilton	Jack McPherron

Harry L. Moore	Sylvester Phillips	E. A. Spencer
J. L. Moore	L. W. Preston	Geo. W. Steinford
J. Lee Moore	E. F. Prichard	L. S. Stephens
Fred Morgan	Hobart Rayburn	C. W. Taylor
Joe T. Morgan	Wade H. Riley	Ray G. Tipton
E. C. Mullins	Kelse H. Risner	E. N. Todd
Rodes K. Myers	J. W. Simmons	Walter L. Trivette
Thos. A. Noe	Luther Slusher	Harry F. Walters
Joe E. Nunn	Forrest Smith	Lawrence Wells
Louis T. Peniston	W. R. Smith	Rodney Whitlow

—75

Those who voted in the negative were—

Paul J. Stapleton Morris Weintraub —2

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 222. An Act relating to crimes and punishment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Nothing in KRS 432.020 to 432.070 shall be construed to make it unlawful for any laborer or group of laborers, labor union, labor organization or labor representative to strike, walk-out, picket or assemble collectively; or for any person to aid or counsel such acts or for any person to publish any matter relating to such acts.

§ 2. If an unlawful act is committed by any person in connection with or as a result of any of the acts mentioned in section one of this Act, such person may be convicted for the particular offense committed but he shall not be indicted or convicted under KRS 432.020 or 432.070.

Mr. Weintraub moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Myers moved that said bill be laid on the table.

Said motion was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	C. L. Hammonds	L. W. Preston
Harold L. Barnes	Clyde S. Howard	Hobart Rayburn
Ott Begley	J. J. Huff	Wade H. Riley
Jack Bingham	L. H. Jones	Forrest Smith
L. A. Demumbrun	G. O. Kirkpatrick	W. R. Smith
E. R. Denny	Ed Marcum	L. S. Stephens
G. I. Drury	Harry L. Moore	C. W. Taylor
Forest C. Easley	J. L. Moore	Ray G. Tipton
Eck Embry	J. Lee Moore	E. N. Todd
A. H. Eversole	Joe T. Morgan	Lyle H. Webb
Henry J. Giles	Rodes K. Myers	Lawrence Wells
Otto W. Goff	Louis T. Peniston	Rodney Whitlow

—36

Those who voted in the negative were—

C. W. Anderson	Adron Doran	H. K. Lowman
Henry Arrowood	Bernie S. Edlin	E. J. Lucas
F. O. Baker	M. B. Gilligan	E. H. Martin
F. H. Bassett, Jr.	R. M. Hall	W. E. McClure
B. J. Bonn	E. R. Hilton	Jack McPherron
B. K. Brantley	Maurice Howard	Fred Morgan
John Y. Brown	Jerry F. Howell	E. C. Mullins
Mrs. Mary Burnett	Ira W. Hulette	Thos. A. Noe
Chas. W. Burnley	Kerby Jennings	Joe E. Nunn
W. K. Coleman	Paul Jonas	Sylvester Phillips
Fred Creasey	B. F. Kincaid	E. F. Prichard
S. J. Daugherty	A. L. Love	Kelse H. Risner

Amos Runyan	Paul J. Stapleton	Walter L. Trivette
J. W. Simmons	Geo. W. Steinford	S. J. Wagner
E. A. Spencer	E. L. Thompson	Morris Weintraub

—45

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Henry Arrowood	Maurice Howard	E. F. Prichard
F. O. Baker	Jerry F. Howell	Kelse H. Risner
B. K. Brantley	Kerby Jennings	Amos Runyan
John Y. Brown	Paul Jonas	E. A. Spencer
Fred Creasey	B. F. Kincaid	Paul J. Stapleton
S. J. Daugherty	H. K. Lowman	Geo. W. Steinford
Adron Doran	E. H. Martin	E. L. Thompson
Bernie S. Edlin	Jack McPherron	S. J. Wagner
M. B. Gilligan	Fred Morgan	Morris Weintraub
R. M. Hall	E. C. Mullins	

—32

Those who voted in the negative were—

Roy W. Arnold	Forest C. Easley	A. L. Love
Harold L. Barnes	Eck Embry	Ed Marcum
F. H. Bassett, Jr.	A. H. Eversole	W. E. McClure
Ott Begley	Henry J. Giles	Harry L. Moore
Jack Bingham	Tom Gilliam	J. L. Moore
B. J. Bonn	Otto W. Goff	J. Lee Moore
J. C. Bradley	C. L. Hammonds	Joe T. Morgan
Mrs. Mary Burnett	Harold G. Helm	Rodes K. Myers
Chas. W. Burnley	Clyde S. Howard	Joe E. Nunn
Alex. H. Calvert	J. J. Huff	Louis T. Peniston
W. K. Coleman	Ira W. Hulette	L. W. Preston
L. A. Demumbrun	L. H. Jones	Hobart Rayburn
E. R. Denny	G. O. Kirkpatrick	Wade H. Riley
G. I. Drury	Homer E. Losey	J. W. Simmons

Luther Slusher	C. W. Taylor	Harry F. Walters
Forrest Smith	Ray G. Tipton	Lyle H. Webb
W. R. Smith	E. N. Todd	Lawrence Wells
L. S. Stephens.	Walter L. Trivette	Rodney Whitlow

—54

Mr. Stephens moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had bills and a resolution which originated in that body, entitled:

S. B. 23. An Act providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising the Constitution of the Commonwealth.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Act of the 1944 General Assembly providing for taking the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same, as provided by Section 258 of the present Constitution of Kentucky, which Act was compiled as Chapter 4 of the Acts of the 1944 General Assembly, is hereby concurred in, and for that purpose it is enacted that the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by Section 258 of the present Constitution of Kentucky.

§ 2. In accordance with the requirements of Section 258 of the present Constitution of Kentucky, it is hereby provided that a poll shall be opened in each voting precinct

in this state, by the officers provided by law for holding general elections, at the next ensuing regular election to be held for members of the House of Representatives which does not occur within ninety days from the final passage of this Act, at which time and places the votes of the qualified voters shall be taken for and against calling a convention, in the same manner provided by law for taking votes in other state elections. Such poll shall be opened as follows: The Secretary of State, not less than forty days before the day of the election above referred to, shall certify to the county clerk of each county, to be printed on the ballots for such election, the following question: "Are you in favor of the calling of a convention for the purpose of revising or amending the present Constitution of Kentucky, and such amendments as may have been made to the same?"; and the county clerk of each county shall have the question, as so certified, printed on the ballots for the election, with two spaces upon the right, one for votes favoring the question to be designated by the word "Yes" and one for votes opposing the question to be designated by the word "No."

§ 3. Upon the poll being opened as provided in this Act, the procedure thereafter shall be as provided in Section 258 of the present Constitution of Kentucky.

§ 4. Before any Constitution agreed upon by a convention that may be called pursuant to this Act and to Section 258 of the present Constitution shall take effect and become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

S. B. 111. An Act to amend Sec. 92.280 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.280 of the Kentucky Revised Statutes is amended to read as follows:

SECTION 92.280 (1) The legislative body of each city of the second to the sixth class shall provide each year, by

ordinance, for the assessment of all real and personal property within the corporate limits that is subject to taxation for city purposes, and shall levy an ad valorem tax thereon for city purposes.

(2) The legislative body of each city of the second to sixth class may levy a poll tax not exceeding one dollar and fifty cents on each male inhabitant of such city on the assessment date other than those exempted by KRS 142.020, such poll taxes to become due at the same time ad valorem taxes become due and to be collected in the same manner, and the legislative body of each city of the second to sixth class may also impose license fees on stock for breeding purposes, and on franchises, trades, occupations and professions, and may provide for the collection of such fees.

S. B. 110. An Act relating to the procedure for assessing property for taxation purposes in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.430 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The assessor in each city of the second class shall assess in one book all property subject to city taxation, and in making the assessment for any year shall assess any property subject to taxation that he finds to have been omitted in any former year.

(2) On or before July 1 of each year the city assessor shall give notice, by advertisement in the official newspaper of the city and by handbills posted through the city, that all persons owning real estate on July 1 and all persons owning or having in their possession or under their control on July 1 any personal property subject to city taxation shall, before September 1, appear at the assessor's office and furnish him a true and complete list of the property, with its true cash value as of July 1, under oath, upon forms to be furnished by the assessor on application at his office, and that all mer-

chants doing business in the city shall in like manner, in addition to listing their personal property, state the highest amount in value of all merchandise owned or kept on hand for sale by them during the three months next preceding July. The assessor and his deputies may administer oaths, and examine any person on oath concerning his real and personal property and its value, and may examine merchants on oath as to the statements required of them. The assessor may also gather information by other means.

(3) For the purpose of assessing property for taxation, the assessor shall keep his office open, with himself or a deputy in attendance, during the hours from 8 A. M. to 6 P. M., or such other or additional hours as are fixed by ordinance, from July 1, to September 1, except Sundays and legal holidays. The assessor shall constantly keep on hand, and furnish to persons lawfully requesting them, all necessary blanks and forms for the lists and statements required by this section.

(4) If any taxpayer is an artificial person, its chief officer or agent in the city at the time shall perform the duties imposed upon the taxpayer by this section.

(5) On and after September 1 of each year and until the date fixed by ordinance for the closing of the assessment books, it shall be the duty of the assessor personally or through deputies to see in person or to call at the residence, usual place of abode or business place of all taxpayers who have not listed their property by appearing at the assessor's office for that purpose prior to September 1 or whose property is not well known to him, and the assessor or his deputies shall secure the assessment list by making such calls and shall view the property when practicable to do so.

(6) Any person who fails or refuses to supply the assessor or his deputies with a complete list of his property and the value thereon when called upon at his residence, usual place of abode or place of business may be subject to a fine to be fixed by ordinance but not exceeding Fifty ($50.00) Dollars.

(7) On or before December 1 of each year the assessor shall return to the auditor his assessment books, certified by

him to be a full, careful and honest assessment of all property in the city subject to assessment. He shall take the auditor's receipt therefor in duplicate, and shall transmit one of the duplicates to each board of the general council at its first regular meeting in December. The assessment books and reports shall remain in the auditor's office, subject to public inspection, until transmitted to the board of equalization.

S. B. 108. An Act to amend Sec. 80.190 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 80.190 of the Kentucky Revised Statutes is amended to read as follows:

The Commission shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and no commission shall construct or operate any project for profit, or as a source of revenue of the city. Provided, however, that nothing contained in the Housing Commission Law shall be construed to prohibit a commission from making payments in lieu of taxes to the city, or other public body, within the area in which any project is located in such amounts as the commission may determine to be consistent with maintaining the low rent character of the dwelling accommodations.

S. B. 106. An Act relating to the abatement of nuisances caused by the growing of weeds upon private property in cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The legislative body of any city may declare it to be a nuisance and menace to public health for an owner, tenant, or lessee of private property to permit weeds to grow thereon. The legislative body may, by ordinance, require that inspec-

tions be made upon all property within the city and cause such nuisance to be abated. Whenever the officer or employee designated by the ordinance for the making of such inspections shall find weeds growing upon any property within the city, he shall order the weeds be cut and removed by written notice delivered to the owner, tenant or lessee. In the event any person shall, within ten days thereafter, fail to comply with such order, the officer or employee so designated shall cause the weeds to be cut and removed from the property at the expense of the owner. If the owner within thirty days thereafter shall fail, neglect or refuse to pay the amount of the expense thus incurred, the city shall have a prior lien against the property on which the weeds were cut and shall have power to enforce the collection of such expense and to enforce its lien by any and all remedies given by general law for the recovery of debt in any court of this Commonwealth otherwise competent for that purpose, and suit for collection of such expense may be instituted at any time after such account becomes delinquent.

S. Res. 36. Resolution relative to the celebration of the Sesqui-Centennial of the Wilderness Road.

Said resolution is as follows, viz.:

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein; that

WHEREAS, "The Wilderness Road," the first wagon road connecting the New Commonwealth of Kentucky with the mother Commonwealth of Virginia and the East, which road was authorized by an Act of the Kentucky Legislature at its November session in 1795, was built from Crab Orchard to Cumberland Gap during the summer of 1796; and

WHEREAS, "The Wilderness Road" vitally influenced the settlement and development of Kentucky and the territory to the north and west of us, and played an important part in the history of the Commonwealth; therefore

BE IT RESOLVED, That the Senate and the House of Representatives of Kentucky, suggest and recommend a state-

wide observance of the One Hundred and Fiftieth Anniversary of the building and opening of that great highway; and that appropriate ceremonies be held in the many communities along "The Wilderness Road" and extensions of it, and in communities throughout the Commonwealth that have been influenced by it;

BE IT FURTHER RESOLVED, That we encourage observance of the Sesqui-Centennial of "The Wilderness Road" in and by other States whose pioneers traveled that Road which, for so many years, was the one artery of travel and commerce to and with the states to the East, and whose culture reflects the greatness of the men and women who, in those early days, came to them over "The Wilderness Road"; and

WHEREAS, the Laurel County Homecomings have, for the past twelve years, been held annually on "The Weekend of the Full Moon in August" in the Levi Jackson Wilderness Road State Park, near London, Kentucky; and through their special programs, including "Star Route" Mail Carriers, Swiss Colony and Founders Days, and Southeastern Kentucky Singing Conventions, have become increasingly of State-wide interest, attracting as many as 20,000 persons annually before the war; and

WHEREAS, The Levi Jackson Wilderness Road State Park, being on both the Old Boone Trace and the Wilderness Road, and the site of McNitt's Defeat, the worst Indian massacre ever to occur in Kentucky, known throughout the years as "Defeated Camps", is of special historical interest in its relation to those well-known pioneer trails; and

WHEREAS, Plans for the celebration of this occasion at this place, including a reenactment of said massacre and a trek over the old Wilderness Road in an ox-drawn, schooner-bed, linchpin wagon, have been developing over several years; therefore,

BE IT FURTHER RESOLVED, That we heartily endorse this celebration in Levi Jackson Wilderness Road State Park as the climax and culminating event in Kentucky of the observance of the Sesqui-Centennial of the Wilderness Road;

and suggest that it receive the full support of every branch, department and division of the State Government, that we might be reminded of the greatness of Kentucky in the past and present, to the end that this greatness will be maintained and increased in the years to come.

Ordered that said bills and resolution be printed and referred.

And that they had passed a bill which originated in this House, entitled:

H. B. 39. An Act relating to cities of the fourth class.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 19, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul Staufer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz:

C. W. Anderson	Jack Bingham	Alex. H. Calvert
Roy W. Arnold	B. J. Bonn	W. K. Coleman
F. O. Baker	J. C. Bradley	Fred Creasey
Harold L. Barnes	B. K. Brantley	S. J. Daugherty
F. H. Bassett, Jr.	John Y. Brown	L. A. Demumbrun
Ott Begley	Mrs. Mary Burnett	Adron Doran
W. G. Biggers	Chas. W. Burnley	G. I. Drury

Forest C. Easley	Homer E. Losey	Kelse H. Risner
Bernie S. Edlin	A. L. Love	Amos Runyan
Eck Embry	H. K. Lowman	J. W. Simmons
R. R. Ernst	E. J. Lucas	Luther Slusher
A. H. Eversole	F. G. Marquette	Forrest Smith
Henry J. Giles	E. H. Martin	W. R. Smith
Tom Gilliam	W. E. McClure	E. A. Spencer
M. B. Gilligan	Jack McPherron	Paul J. Stapleton
Otto W. Goff	Harry L. Moore	Geo. W. Steinford
R. M. Hall	J. L. Moore	L. S. Stephens
C. L. Hammonds	J. Lee Moore	Ralph G. Stone
Harold G. Helm	Fred Morgan	C. W. Taylor
E. R. Hilton	Joe T. Morgan	E. L. Thompson
Clyde S. Howard	E. C. Mullins	Ray G. Tipton
Maurice Howard	Rodes K. Myers	E. N. Todd
Jerry F. Howell	J. C. Newcomb	Walter L. Trivette
J. J. Huff	Thos. A. Noe,	S. J. Wagner
Ira W. Hulette	Joe E. Nunn	Lyle H. Webb
Kerby Jennings	Louis T. Peniston	W. W. Webster
Paul Jonas	Sylvester Phillips	Geo. J. Weining
L. H. Jones	L. W. Preston	Morris Weintraub
B. F. Kincaid	E. F. Prichard	Lawrence Wells
G. O. Kirkpatrick	Hobart Rayburn	Rodney Whitlow
Edgar Kitchen	Wade H. Riley	Mr. Speaker

Mr. Burnley moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Enrolling Clerk of this House delivered the original and enrolled copies of a bill entitled:

H. B. 67. An Act providing for the county attorney to act as legal counsel for water districts, etc.

Which was signed by the Speaker on February 15.

Duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. J. Lee Moore moved that the privilege of the floor be extended to Mr. Kenneth T. Marquette.

Said motion was agreed to.

Mr. McPherron moved that the privilege of the floor be extended to Messrs. Carnor Clerk and Vernon LaVell.

Said motion was agreed to.

Mr. Leonard Preston moved that the privilege of the floor be extended to Mr. and Mrs. J. C. Preston.

Said motion was agreed to.

Mr. Ernest moved that the privilege of the floor be extended to Mr. W. S. Brim.

Said motion was agreed to.

Mr. Nunn moved that the privilege of the floor be extended to Mr. William Jones.

Said motion was agreed to.

Mr. Webster moved that the privilege of the floor be extended to Mr. W. W. Webster, Jr. and Mrs. R. R. Ramsey.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills and resolutions of the following titles, viz.:

By Mr. McClure of the Committee on Cities of the Third Class.

H. B. 31. An Act to repeal Sec. 89.090 KRS and to enact in lieu thereof an Act providing for the manner of holding primary and regular elections in third class cities.

By Mr. J. Lee Moore of the Committee on Revenue and Taxation.

S. B. 123. An Act relating to ad valorem taxation of the right to receive income, etc.

H. B. 285. An Act authorizing the imposition by cities and counties, of an excise tax upon the use, sale or distribution of distilled spirits, etc.

By Mr. Burnley of the Committee on Ways and Means.

S. B. 57. An Act to amend Sec. 423.020 KRS entitled "Notaries Public and Commissioners of Foreign Deeds, Chapter 423.

H. B. 196. An Act relating to fiscal courts.

H. B. 130. An Act requiring cities and taxing districts other than those wherein real estate is required to be recorded to keep a record of all tax bills and special assessments for public improvements in the office of the County Clerk, etc.

By Mr. Clyde Howard of the Committee on Suffrage and Elections.

H. B. 331. An Act relating to elections.

H. B. 180. An Act relating to purgation of voters.

By Mr. Arnold of the Committee on Claims.

H. Res. 28. Resolution providing for payment of the per diem of the late J. T. Linton.

Without an expression of opinion.

Ordered that said resolution be laid on the Clerk's desk.

H. Res. 35. Resolution authorizing Morgan Wireman to sue the Commonwealth.

H. Res. 38. Resolution authorizing John Cleveland to sue the Commonwealth.

H. Res. 62. Resolution authorizing Mrs. Mary K. Gumm to sue the Commonwealth.

H. Res. 64. Resolution appropriating from the General Expenditure Fund, the sum of $404. for payment to Roy Dunn, ex-jailer of Madison County.

H. Res. 66. Resolution authorizing Johnny Runner to sue the Commonwealth.

H. Res. 67. Resolution authorizing Oscar H. Forster to sue the Commonwealth.

H. Res. 74. Resolution authorizing A. B. Boyd to sue the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time, with the exception of those specifically set out above, and ordered to be placed on the Calendar.

Mr. Brown moved that a bill entitled:

H. B. 194. An Act relating to banks and trust companies and providing for additional powers and the expansion of consumer credit.

Be taken from the Orders of the Day, and

Laid upon the Clerk's desk.

Said motion was agreed to.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz:

By Mrs. Mary E. Burnett.

H. B. 385. An Act relating to public assistance, including old age assistance and aid to the needy blind.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When any needy aged person has been found to be eligible to receive old age assistance, and a monthly allowance has been granted to him, in the granting of which due regard has been had to the existing and anticipated resources and requirements of such person, such allowance shall not be withdrawn, nor shall the amount thereof be reduced, by reason of any casual or incidental income or resource thereafter becoming available to such person, of an intermittent or nonrecurrent nature, so long as the amount of such casual or incidental income or resource, when added to the amount of the monthly assistance allowance, does not exceed an average of thirty dollars per month in any six-month period.

§ 2. When any needy blind person has been found to be eligible to receive aid, under the statutes providing for aid to the needy blind, and a monthly allowance has been granted to him, in the granting of which due regard has been had to the existing and anticipated resources and requirements of such person such allowance shall not be withdrawn, nor shall the amount thereof be reduced, by reason of any casual or incidental income or resource thereafter becoming available to such person, of an intermittent or nonrecurrent nature, so long as the amount of such casual or incidental income or resource, when added to the amount of the monthly aid allowance, does not exceed, in any six-month period, the maximum allowance allowable to any needy blind person.

By Mr. Speaker Harry Lee Waterfield.

H. B. 386. An Act authorizing cities of the fourth class to acquire land by purchase or condemnation for the purpose of straightening or widening any creeks or creeks running through the corporate limits of the city, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky as follows:

Section 1. Cities of the fourth class in this Commonwealth are hereby authorized and empowered to acquire land by purchase or condemnation for the purpose of straightening or widening any creek or creeks running through the corporate limits of the city to prevent or lessen the overflow thereof and subsequent damage to any street or alley or parts of any street or alley therein or the health of its inhabitants; and, if any land for this purpose cannot be acquired by the city by purchase, the legislative body of such city may adopt an ordinance declaring the necessity for the acquisition of such land for any of the above stated purposes and authorizing and directing the institution of proceedings to condemn the property.

Section 2. Such condemnation proceedings shall be in accordance with Sections 416.010 to 416.080 of the Kentucky Revised Statutes.

By Messrs. Clyde S. Howard, Hammonds, and Phillips.

H. B. 387. An Act regulating the propagation and keeping of bees.

Said bill is as follows, viz.:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Bees" means any stage of the common hive or honey bee (Apis mellifica) or other bees kept for the production of honey or wax.

(2) "Bee diseases" means American or European foul brood, sacbrood, bee paralysis, disappearing disease, Isle of Wight disease, or any other disease or abnormal condition of the eggs, larvel, pupal or adult stages of bees.

(3) "Apiary" means any place where one or more colonies or nuclei of bees are kept.

(4) "Queen apiaries" means any apiary in which queen bees shall be reared for sale or gift.

(5) "Hive" means any modern frame hive, box hive, box, barrel, log gum, skep, or any other receptacle, natural or artificial, or any part thereof which may be used as a domicile for bees.

(6) "Appliances" means any honey house, used tools, machines, or devices used in the handling or manipulation of bees, honey, wax, or used hives. It shall also mean any container of honey, or wax, which may be used in any apiary.

(7) "Department" means the Department of Agriculture, Labor and Statistics or any division thereof to which the administration of this Act may be delegated by the Commissioner of Agriculture, Labor and Statistics.

(8) "Commissioner" means the Commissioner of Agriculture, Labor, and Statistics.

Section 2. The commissioner shall appoint a competent person as state apiarist, and such number of deputy state apiarists as may be necessary to carry out the provisions of this Act, and to fix their compensation. The state apiarist and deputy state apiarists shall be vested with the powers of police officers in the enforcement of the provisions of this act.

Section 3. The commissioner may make and enforce such rules and orders as in his judgment may be necessary to control, eradicate or prevent the introduction, spread or dissemination of any and all bee diseases. In the control or eradication of dangerous bee diseases the commissioner may destroy by burning or otherwise any infected bees, hives, honey or appliances that he may deem necessary for such control or eradication, without remuneration to the owner. Such infected bees, hives, honey and appliances shall be deemed a public nuisance.

Section 4. For the purposes of this act the commissioner may establish and maintain quarantines prohibiting the shipment into or within the state, or any subdivision thereof of any bees, queen bees, used hives or any part thereof, used appliances or any material capable of transmitting any bee diseases, for such periods and under such conditions as he may deem necessary to control, eradicate or prevent the in-

troduction, spread, or dissemination of any and all bee diseases, giving such notice thereof as may be prescribed by the commissioner, and during the existence of such order no person shall remove or ship from such area any such material whatever except by special permission or order of the commissioner; provided, however, that before the commissioner shall promulgate the order of quarantine as provided in this section, the commissioner, shall after due notice to interested persons, give a public hearing under such rules and regulations as the commissioner shall prescribe, at which hearing any interested person may appear and be heard, either in person or by attorney.

Section 5. (1) Any person in interest or affected by any order of the commissioner or state apiarist may appeal therefrom to the commissioner within five days of the service of such order upon him setting forth in writing specifically and in full detail the order on which a hearing is desired, and every reason why such order is deemed unreasonable.

(2) On receipt of such appeal the commissioner shall with reasonable promptness order a hearing thereon and consider and determine the matters in question. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the commissioner may direct. Such appeal shall suspend the operation of the order appealed from except as to the orders of the commissioner promulgating a quarantine as provided in Section 4 hereof. All hearings of the commissioner shall be open to the public and his decisions shall be final. The appellant may be represented by an attorney.

Section 6. Every person owning or possessing bees shall on or before the first day of July of each year file with the commissioner an application for registration, which application shall set forth the exact location of his apiary or apiaries, the number of colonies of bees in each apiary owned by him or in his possession or under his control, together with such other information as may be required by the commissioner and such person shall pay to the commissioner by draft or money order, made payable to the state department of agriculture, at the time of registration, the sum of not less than

25¢ nor more than $3.00 for each owner of an apiary, including all of his branch apiaries. The scale of said fees to be as follows:

1 to 10 colonies 25¢
11 to 50 colonies 50¢
51 to 200 colonies $1.00
201 to 300 colonies $1.50
301 to 400 colonies $2.00
401 and up colonies $3.00

The commissioner shall issue and deliver to each applicant a receipt declaring that the holder thereof is duly registered and has paid the fees required by law. All sums collected under this section shall be used for carrying out the provisions of this Act.

Section 7. The commissioner may at any time revoke any certificate for cause, including any violation of this Act, or nonconformity with any rule or order promulgated under this Act.

Section 8. For the purposes of this Act the commissioner or his duly authorized representatives shall have access and egress to any apiary or any premises, buildings or other place, public or private, in which he has reason to believe that bees, honey, wax, used hives or used appliances are kept, and any and all persons who shall resist, or hinder the commissioner or his duly authorized representative in the discharge of his duties under the provisions of this Act shall be guilty of a violation of this Act, provided, however, that no occupied dwelling may be entered without a search warrant.

Section 9. The commissioner may publish an annual report and such other information concerning the inspection of bees, or bee diseases as he may deem necessary to the carrying out of the provisions of this Act. He shall also, from time to time, publish all rules and orders promulgated under the terms of this Act.

Section 10. Any person violating any of the provisions of this act shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not exceeding sixty days, or by both such fine and imprisonment

in the discretion of the court. In addition to the penalties hereinbefore provided, bees or combs, used hives, or other used apiary appliances brought into this state in violation of the provisions of this Act shall be confiscated and destroyed.

Section 11. All sums received for registration fees issued under the provisions of this Act during the fiscal years 1946-47 and 1947-48 shall be placed in the State Treasury to the credit of a revolving fund to be used by the Commissioner of Agriculture for the purpose of adminstering and enforcing the provisions of this Act. In addition to such revolving fund, there is hereby appropriated to the Department of Agriculture out of the general expenditure fund of the State Treasury for ordinary recurring expenses in carrying out the povisions of this Act the sum of $20,000.00 for each of the fiscal years 1946-47 to 1947-48.

Section 12. This Act shall take effect on July 1, 1946.

By Messrs. Preston, and Kirkpatrick.

H. B. 388. An Act recognizing and establishing the boundary line between the counties of Barren, Hart and Edmonson, which line shall hereafter be and constitute the true boundary line between the said counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary lines between the counties of Barren, Hart and Edmonson, as surveyed, plotted and marked for the boundary Commission created and appointed under Chapter 179 of the Acts of 1944, which line is set forth and marked upon the plat filed with the Clerk of the House of Representatives by the Commission, said plat being entitled "The "*Barren-Edmonson-Hart County Line* Surveyed, Plotted and Marked in the Field for the *State County Boundary Commission of Kentucky* Senate Res. 34, Chapt. 179, Acts of 1944 By Willard Rouse Jillson, Engineer, Reg. No. 856 Frankfort, Kentucky, Assisted by T. Beale Smith, Engineer, Reg. No. 158, Chief of Party, June 5 to July 22, 1945," be and the

same is hereby recognized and established as the true boundary line between said counties, with the following exceptions: The tracts of real estate which, according to the records of Hart County as of February 1, 1946, are owned by the following named persons, to-wit:

(1) Audit Dennison
(2) W. D. Bratcher
(3) Reck Wood
(4) Mary Hensley
(5) Bernie Stinson
(6) Dora Stinson
(7) Martin Pierce
(8) Ethel Alvey
(9) Chastine Bratcher
(10) Robert and Ed. Gonterman
(11) Martin Cox
(12) Tolbert Bratcher
(13) Lizzie Pierce
(14) A. J. Bradley
(15) Bill Crogan
(16) Ben Crogan
(17) John Bradley
(18) Essie Waddle
(19) Bob Childress
(20) Condie Powell
(21) H. B. Thomas,

(the lands including Crystal Cave), a part of which lie wholly west of the surveyed line between Hart and Edmonson Counties, and part of which lie partly west of said line, shall be included in and constitute a part of Hart County, and the surveyed line shall be and the same hereby is modified to the extent necessary to indicate and establish that said tracts are included in and are a part of Hart County. The General Assembly hereby recognizes that said tracts have, from the time of the original patents, being recognized as being in Hart County, and it is the intention of the General Assembly to confirm and establish that fact.

§ 2. It is the express intention of the General Assembly

that the boundary lines between Barren, Hart and Edmonson Counties as recognized and established by this Act shall hereafter be and constitute, and be recognized for all purposes, as the true boundary lines between said counties, the General Assembly having found it to be the fact that said lines have at all times in the past constituted the true boundary lines.

§ 3. The Clerk of the House of Representatives shall secure from the Boundary Commission appointed under the provisions of Chapter 179 of the Acts of 1944, four copies of the survey and plat prepared and filed by said Commission, and shall affix to each of said copies a copy of this Act. The Clerk shall then cause one of the same to be recorded in the office of the Secretary of State, one in the office of the County Clerk of Barren County, one in the office of the County Clerk of Hart County, and one in the office of the County Clerk of Edmonson County.

By Mr. Webster.

H. B. 389. An Act relating to the terms of court in the Eleventh Judicial District.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory paragraph and subsection (11) of section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(11) *Eleventh District.* Green county, at Greensburg, on the third Monday in March, twelve juridical days; on the third Monday in June and November, eighteen juridical days each.

Marion County, at Lebanon, on the fourth Monday in January, April and September, twenty-four juridical days each.

Taylor County, at Campbellsville, on the first Monday in January, April and September, eighteen juridical days each.

Washington County, at Springfield, on the fourth Monday in February, May and October, eighteen juridical days each.

By Mr. Lucas.

H. B. 390. An Act concerning the bonds of clergymen.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 402.060 is amended to read as follows: "No minister or priest shall solemnize marriage until he has obtained a license therefor from the county court of the county in which he resides, upon satisfying the court that he is a man of good moral character and in regular communion with his religious society. Any such license may be annulled by any county court, after notice to the person holding the license."

Section 2. KRS 402.990 (4) is repealed.

By Messrs. Spencer, Brantley, Phillips, Anderson, Lucas, and Edlin.

H. B. 391. An Act relating to the registration of voters amending and reenacting sections 117.060 and 117.250 Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 117.060 Kentucky Revised Statutes be amended and reenacted so that said Section shall read as follows:

117.060 (1486bb-5) REGISTRANT TO APPEAR IN PERSON; CHALLENGE. No person shall be registered outside of cities of the first class who does not personally appear before the County Clerk at or within the times set out in KRS 117.050. The clerk may establish not exceeding two temporary branch offices in each magisterial district of

the County for a period of three weeks before the closing period provided for in KRS 117.050. If the voter is not known to the clerk, or if any bystander challenges the voter's right to register, the voter shall be sworn by the clerk and shall answer all questions asked him by the clerk or bystander touching his qualifications as a voter, or his right to be registered, and on the registration book opposite the name of the voter the clerk shall write the words, "sworn as to qualifications."

§ 2. That Section 117.250 Kentucky Revised Statutes be amended and reenacted to read as follows:

117.250 (1486b-33) OFFICES OF BOARD; OFFICE HOURS; REGISTRATION SUPPLIES. (1) The Board of registration commissioners shall acquire and maintain a permanent offices and equip it in such manner as it deems necessary. The office shall be maintained and kept open to the public every day, except Sundays and holidays, between the hours of 8:30 a. m. and 5:00 p. m. except that the board may authorize the office to be closed at 1:00 p. m. on Saturdays. The board may keep the office open to the public at night or at such other hours as the board may determine, not inconsistent with the provisions of this chapter. The board may establish such temporary branch offices, not exceeding one for each ward, as it deems necessary and keep them open for not more than three weeks prior to the 59 day closing period before any primary or general election.

(2) The board shall prescribe and provide all forms, records and paraphernalia required for the conduct of registration.

By Messrs. Kitchen, Prichard, Howell, and Denney.

H. B. 392. An Act to repeal, amend, and re-enact certain sections of Chapter 15, KRS 15.130, Chapter 242 KRS 242.010 to 242.990, Chapter 243 KRS 243.010 to 243.990, Chapter 244, KRS 244.010 to 244.990.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 15.130 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Assistant Attorney for Alcohol Beverage Control.

The Attorney General shall, with the approval of the Commissioner of the Alcohol Beverage Control, appoint Assistant Attorney General whose sole duties shall be to act as legal counsel for the Distilled Spirits Unit and the Malt Beverage Unit. He shall be paid an annual salary not to exceed $4,000.00 from the Department of Alcohol Beverage Control appropriation.

An act to repeal, amend and re-enact certain sections of Chapter 241, KRS 241.010 to and including KRS 241.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 241.010 (19) of the Kentucky Revised Statutes is repealed, amended and re-enacted to read as follows:

An act to repeal, amend and re-enact certain sections of Chapter 241, KRS 241.010 to and including KRS 241.990. KRS 241.010 (19) "Field Representatives" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting persons or premises, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of Alcoholic Beverage Statutes.

An act to repeal, amend, and re-enact certain sections of Chapter 242, KRS 242.010 to and including 242.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 242.100 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Traffic in alcoholic beverages on election day prohibited. Upon each day that an election is held, no place where alcoholic bverages are sold in the territory affected shall be open during the time the polls are open. No person in that territory shall sell, loan, furnish or give to any person alcoholic beverages during the time the polls are open.

An act to repeal, amend, and re-enact certain sections of Chapter 243, KRS 243.010 to and including 243.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 243.080 of the Kentucky Revised Statutes is hereby repealed.

2. Section 243.100 (2554b-154) of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

Persons who may not be licensed. No person shall become a licensee under KRS 243.020 to 243.670 who:

(1) Has been convicted of any misdemeanor directly or indirectly attributable to the use and or sale of alcoholic beverages, or any felony, within five years preceding the application: This subsection shall not apply to persons licensed on July 1, 1945.

(2) Is under the age of twenty-one years:

(3) Is not a citizen of the United States and has not been an actual bona fide resident in this State for at least two years before the date on which his application for a license is made; and is not at the time said application is made a resident of a city, village, or county in which the premises covered by the license is located.

(4) Is a partnership or corporation unless each member of the partnership or each of the stockholders, principal officers, managers and employees of a corporation has not been convicted of any misdemeanor or a felony, as in section one, is twenty-one years of age or more and is a citizen of the United States and has had actual bona fide residence in the State for at least two years prior to the date of becoming a member in the partnership or a stockholder, principal officer, manager, or employee of a corporation.

(5) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(6) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(7) Solicitors and agents shall not be precluded from entering the State and doing business with distillers, blenders, bottlers, rectifiers, vintners, wholesalers, brewers, or distributors.

(8) This section shall not apply to applicants for manufacturers' license, that are corporations authorized to do business in the State or to persons licensed on July 1, 1945.

An act to repeal and re-enact Chapter 243 of the Kentucky Revised Statutes No. 243.010 to and including 243.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.100 (2554b-154) paragraph 7 is enacted to read as follows:

No person holding a county or city office whose duties are law enforcing or executive shall at the same time be interested directly or indirectly in any business licensed by the Alcoholic Beverage Control Board.

An act to repeal, amend, and re-enact certain sections of 243, KRS 243.010 to and including 243.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 243.490 (2554b-141; 2554e-10), paragraph 1 is re-enacted in full and the following is added thereto:

A licensee whose place of business is conducted by a manager or agent, said manager or agent should possess the same qualities as is required of the licensee.

3. Section 243.500 (2554b-134) Par 4 is repealed and re-enacted to read as follows:

Causes for which licenses must be revoked or suspended.

(4) If, within a period of five consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employees for any violations of the terms and provisions of Chapter 241, 243, or 244 or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use or sale of intoxicating liquors, or of any such felony and one such misdemeanor.

4. Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Section 243.530 (2554b-143) License to be surrendered upon revocation; police chief, sheriff, or alcohol control agent. Within three days after any order of revocation of a license issued under KRS 243.020 to 243.670 becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the board. If the license revoked is for premises located in any city that has a police force of its own, the board, immediately upon mailing notice of the revocation of the license to the licensee, shall mail to the chief of the police department of that city a written notice stating the fact, of the revocation, the name of the licensee whose license was revoked, the address of the premises that had been licensed under the revoked license and the date of the revocation. If the license revoked is for premises that are not located in any city with a police force of its own, the board shall in like manner and at like time mail a similar notice to the sheriff of the county in which the premises are located. If the revoked license is not forthwith surrendered by the licensee, the chief of the police department, sheriff or alcohol

control agent shall at the request of the board, immediately cause one of his officers to take physical possession of the license and return it to the board.

5. Section 243.630 (2554b-160) of the Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Transfer of License without authorization prohibited.

No license under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his sound discretion under KRS 243.640 or 243.650. The licensee having transferred his license to another person or to a corporation shall not again apply for such a license until after the expiration of a full twelve months' period. This shall apply to all retail alcoholic beverage licenses and retail malt licenses. For the purposes of this section each railroad dining car shall be deemed premises to be separately licensed.

No person barred by this section shall avoid its operation by forming or becoming a stockholder in a corporation.

6. Section 243.740 (4281c-6; 4281c-6; 4281c-10) of Kentucky Revised Statutes is hereby repealed and re-enacted as follows:

Who to Pay the Tax and Affix the Tax Stamps.

(1) The wholesaler who pays the tax imposed by KRS 243.720 on any alcoholic beverage shall evidence the payment by the purchase and affixing of stamps issued by the department. The wholesaler shall affix the stamps or cause them to be affixed upon each retail container in such manner as prescribed by the department.

(2) Where wholesaler who purchases or otherwise acquires title to any alcoholic beverage made taxable by KRS 243.720, where transported by common carrier from distiller, rectifier or any other producer licensed under KRS 243.030, without affixing or causing to be affixed the consumers tax stamps, the wholesaler shall affix or cause to be affixed the stamps required to be affixed by subsection (1) within (5)

days (from the time the alcoholic beverage is delivered in Kentucky from distillers, rectifiers, blenders, bottlers and vintners, or from points outside to points in Kentucky, wholesaler receives the alcoholic beverages at his licensed premises) but if a wholesaler in purchasing or otherwise acquiring title to alcoholic beverage resells or otherwise disposes of it without ever having actual possession of the alcoholic beverage he shall affix the stamps or cause them to be affixed before delivery is made to the purchaser or donee.

(3) Except as provided in KRS 243.780, the wholesaler who imports any alcoholic beverage in any retail container for eventual retail sale or distribution by gift or retail sale in this state shall pay the tax imposed by KRS 243.720 and affix the stamps upon the alcoholic beverage before it is sold or offered for sale or distribution by gift or sale. The tax shall be paid and the stamps shall be affixed within five (5) days after receipt of the alcoholic beverage at the licensed premises of the importer.

(4) In the case of malt beverages, the commissioner may order that persons selling to retailers affix the stamps to invoices. Malt beverage retailers shall keep all such stamped invoices for two years, for examination by the department.

7. Section 243.760 (4381c-13) is amended to read as follows: Prohibition of Sale, Transportation or Purchase without Stamps.

(1) No alcoholic beverage in retail containers shall be sold by a wholesaler licensed under KRS 243.030 for eventual retail sale or distribution by gift or retail sale unless a stamp evidencing payment of the tax on the alcoholic beverages is in place on the retail container.

(2) No common carrier or other person shall transport alcoholic beverages from the licensed premises of a wholesaler unless and until the consumer's tax stamp is affixed to the retail container, with two exceptions when the alcohol beverage is returned to the vendor or is exported.

(3) No retail outlet shall purchase or possess an alcoholic beverage except in retail containers to which the stamps have been properly affixed.

An act to repeal, amend, and re-enact certain sections of Chapter 244, KRS 244.010 to and including 244.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 244.260 (2554b-172) paragraph (2) is repealed and re-enacted to read as follows:

"No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels, kegs, or units of four one-gallon containers. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Section 244.390 (2554e-2) paragraph 7 of the Kentucky Revised Statutes is enacted as follows:

The tax provided for in paragraph 3 of this section is declared to be and shall be construed as an emergency war tax measure.

By Messrs. Kitchen, Prichard, Howell, and Denney.

H. B. 393. An Act to repeal, amend, and re-enact certain sections of Chapter 243, KRS 243.010 to and including 243.990.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 243.040 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

Malt beverage licenses; kinds; fees. The following kinds of malt beverage licenses may be issued by the Administrator of the Malt Beverages Unit, the fees for which shall be:

(1)	Brewer's license, per annum	$1,000.00
(2)	Distributor's license, per annum	150.00
(3)	Retailer's license, per annum	75,00
(4)	Dining car license, per annum	25.00
(5)	Off Premises Package License, per annum	25.00

(6) Transporter's license, per annum 5.00
(7) Special temporary license, per month or part of month 4.17

(8) Such other special licenses as the state board finds to be necessary for the administration of Chapters 241, 243, and 244 and for the proper regulation and control of the trafficking in malt beverages, which may be provided for by regulation and adopted by the state board.

Applicants for special licenses provided for under the authority granted in subsection (8) may be exempt from so much of the provisions of subsection (3) of the KRS 243.100 and subsection (3) of KRS 244.090 as the board by regulation prescribes. (1942, c. 168 18)

2. Section 243.110, Part 2, of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

The holder of a retail package license may also hold either a retail drink license or a special nonindustrial alcohol license. The holder of a transporter's license may also hold a special storage or warehouse license. The holder of a wholesaler's license may also hold a special nonbeverage alcohol vendor's license, a special industrial alcohol license and a vinter's license. The holder of a distiller's license may also hold a rectifier's license. The holder of retail package liquor license shall not at the same time be the holder of a retail malt beverage license, unless said licensee is also the holder of a retail drink liquor license.

3. Section 243.280 of the Kentucky Revised Statutes is hereby repealed and re-enacted so as to read as follows:

Business authorized by Malt Beverage Retailer's license. A Malt Beverage Retailer's license shall authorize the licensee to sell malt beverage for retail from the licensed premises only and to purchase malt beverages only from a brewer or distributor.

A malt beverage retail package license for off-the-premises consumption shall authorize the licensee to sell beer for off-the-premises consumption only.

AN ACT to repeal, amend, and re-enact certain sections of Chapter 244, KRS 244.010 to and including 244.990.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 244.040 (2554b-156), Part 1, of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Sales for cash only,

(1) No brewer, wholesaler, distributor, or retailer shall sell any alcoholic beverages to any person in this state for any consideration except for cash paid at or before the time of delivery.

2. Section 244.300 (2554b-182) of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Retailers except private clubs, hotels, or off premises consumption malt beverage licensees not to extend credit. No retailer of distilled spirits, malt beverages, and wine shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any distilled spirits, malt beverages, or wine on credit, except that a bona fide private club, hotel, or off premises consumption malt beverage licensee holding a license may sell on reasonable credit to its members or registered guests.

3. Section 244.320 (2554b-188) of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Females to be served only at tables.

(1) No distilled spirits, malt beverages, or wine shall be sold, given away or served to females on premises licensed for the sale of alcoholic beverages by the drink, except at tables where food may be served.

(2) Subsection (1) does not require that food be purchased or consumed with alcoholic beverages.

4. Section 244.330 (2554b-188) of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

One bar allowed for each license; service bars. Only one bar, counter or similar contrivance shall be permitted in any place under a single retail drink license, except that, in addition to the one bar permitted by this section, any such licensed place may have necessary service bars, which shall not be in any room in which the members or guests or patrons

of the place are invited or permitted to come. No distilled spirits, malt beverages, or wine shall be served at service bars.

By Mr. Stapleton.

H. B. 394. An Act to amend and re-enact Section 289.260 of the Kentucky Revised Statutes requiring Building and Loan Associations to set aside a portion of their gross profits each year as a reserve fund against contingent losses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 289.260 of the Kentucky Revised Statutes be amended and reenacted by striking out the first and second sub-section of said section, so that as amended and reenacted said Section 289.260 shall read as follows:

(1) Every domestic association shall set aside at least one per cent of the gross profits each year as a reserve fund to provide against contingent losses, until the total amount of the fund so set aside equals twenty per cent of the assets of the associations. The Director of Banking may require other specific reserves in his discretion.

(2) Any losses from sale of real estate may be charged against this fund and in the event of any such charges, then any profits from the sale of real estate shall, to the extent of losses charged, be credited to the said fund.

(3) All laws or statutes inconsistent herewith are hereby repealed.

By Mr. Stapleton.

H. B. 395. An Act to amend section 289.080, sub-section (1) of the Kentucky Revised Statutes, being a part of chapter 289 of the Kentucky Revised Statutes pertaining to building and loan associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky That:

Section 289.080 of the Kentucky Revised Statutes, entitled, *"Management; Directors; Officers; Effect of Nonelection."* be amended as follows:

Sub-section one (1) of this section is amended by striking out "nine" and inserting in lieu thereof "five."

The second sentence of this sub-section is amended by striking out "owning not less than five shares each", and inserting in lieu thereof "owning not less than five unpledged shares of the association's stock."

SO THAT Sub-section (1) of Section 289.080 of the Kentucky Revised Statutes, entitled *"Management; Directors; Officers; Effect of Nonelection."*, as amended, will read as follows:

Sub-section one (1) Each association shall be managed by a Board of not less than five directors, all of whom shall be residents of this state. The directors shall be bona fide shareholders in the association, owning not less than five unpledged shares of the association's stock.

By Mr. Stapleton.

H. B. 396. An Act to amend section 289.200 subsections (1) and (2), being a part of chapter 289 of the Kentucky Revised Statutes pertaining to Building and Loan Associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that:

Section 289.200, Sub-sections (1) and (2), of the Kentucky Revised Statutes, entitled *"Direct Reduction Plan Loans."*, be amended as follows:

Sub-section one (1) of this section is amended by striking out the words "shall prescribe the interest rate and" after the word "directors" and by inserting in lieu thereof the following:

"may or the by-laws of the association shall prescribe interest rates which may be variable and may prescribe"

Said sub-section one (1) of this section is also amended

by inserting and adding the words "weekly or" after the word "equal."

Sub-section two (2) of this section is amended by inserting at the end thereof the following:

"No borrower shall be permitted more than one vote for any and all shares owned by him which are pledged as security for a loan."

Subsection two (2) of Section 289.200 is further amended by adding after the eighth word of same, to-wit: the word "for", the following words:

"and shall pledge one or more shares of stock of the association or the association may require the applicant for such loan to subscribe for and pledge"

SO THAT Section 289.200, Sub-sections (1) and (2) of the Kentucky Revised Statutes, entitled *"Direct Reduction Plan Loans."*, as amended, will read as follows:

Sub-Section One (1)—Associations may make loans on the direct reduction plan. The board of directors may or the By-Laws of the association shall prescribe interest rates which may be variable and may prescribe the duration of the loan, and the loan shall be payable in equal weekly or monthly installments.

Sub-Section Two (2)—The applicant for such loan shall subscribe for and shall pledge one or more shares of stock of the association or the association may require the applicant for such loan to subscribe for and pledge shares or fractional shares of stock, equal, when paid up, to the amount of the loan. Payment of dues and interest shall be credited upon the loan and shares in accordance with the direct reduction plan adopted. In consideration of making loans upon such plan no dividend shall be declared or paid or credited upon amounts credited as dues or principal upon such loans, but all payments, made on the loans shall be first applied to interest due to the date of respective payments and the balance applied as dues on principal, and interest shall be collected only on the balance. When the amount paid in as dues and credited as payment on the shares as calculated equals the value of a share or shares, such shares shall be considered

paid in full and automatically canceled, but such cancellation shall in no manner affect or reduce the stipulated weekly or monthly installment payments provided to be paid in the note or mortgage given to evidence and secure the payment of the loan. No borrower shall be permitted more than one vote for any and all shares owned by him, which are pledged as security for a loan.

Ordered that said bills and resolutions be printed and referred.

The House took up for consideration a resolution which was introduced in this House on February 13, by Mr. E. N. Todd, entitled:

H. Res. 75. A Concurrent Resolution requesting the Department of Highways through its Planning Survey Division to make a thorough study of the taxes that should be required from the trucking interests, etc.

Said resolution is as follows, viz:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the State Highway Commissioner be requested to make a thorough study of the required taxes that should be levied against trucks and other classes of motor vehicles using the public highways so that a just burden of taxes may be carried by each class of motor vehicle comparable to the additional expenses required for construction and maintenance of the highways and bridges. Such detailed study to be carried out and prepared for the next meeting of the Legislature in 1948.

Said resolution was adopted.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 181. An Act relating to cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of section 89.060 of the Kentucky Revised Statutes is amended to read as follows:

(4) Subsection (3) of this section shall not apply if it appears, immediately upon the expiration of the time for filing petitions, that there are only two applicants for nomination for mayor or police judge, and only four or less for commissioners in cities of the second class or eight or less for commissioners in cities of the fourth class. In that case such applicants shall thereupon be nominated and their names shall not be placed upon the primary ballot, and no primary election shall be held for nomination for those offices, but the county clerk shall have their names placed on the regular ballot for the general election.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Adron Doran	L. H. Jones
F. O. Baker	G. I. Drury	B. F. Kincaid
Harold L. Barnes	Bernie S. Edlin	G. O. Kirkpatrick
F. H. Bassett, Jr.	R. R. Ernst	Edgar Kitchen
Ott Begley	A. H. Eversole	A. L. Love
W. G. Biggers	Henry J. Giles	H. K. Lowman
B. J. Bonn	Tom Gilliam	E. J. Lucas
J. C. Bradley	Otto W. Goff	Ed Marcum
B. K. Brantley	R. M. Hall	F. G. Marquette
Mrs. Mary Burnett	C. L. Hammonds	E. H. Martin
Chas. W. Burnley	Harold G. Helm	W. E. McClure
Alex. H. Calvert	Clyde S. Howard	Jack McPherron
W. K. Coleman	Jerry F. Howell	Harry L. Moore
Fred Creasey	Ira W. Hulette	J. L. Moore
L. A. Demumbrum	Kerby Jennings	J. Lee Moore

Joe T. Morgan	Amos Runyan	E. L. Thompson
E. C. Mullins	J. W. Simmons	Ray G. Tipton
J. C. Newcomb	Luther Slusher	E. N. Todd
Thos. A. Noe	Forrest Smith	Walter L. Trivette
Joe E. Nunn	W. R. Smith	S. J. Wagner
Louis T. Peniston	E. A. Spencer	Harry F. Walters
Sylvester Phillips	Paul J. Stapleton	W. W. Webster
L. W. Preston	Geo. W. Steinford	Geo. J. Weining
E. F. Prichard	L. S. Stephens	Lawrence Wells
Hobart Rayburn	Ralph G. Stone	Rodney Whitlow
Kelse H. Risner	C. W. Taylor	—77

Resolved that the title thereof be as aforesaid.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 192. An Act relating to the issuance of revenue bonds for industrial buildings by cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, "industrial building" means any building or structure suitable for and intended for use as a factory, bill, shop, processing plant, assembly plant or fabricating plant, to be rented or leased to an industrial concern by the city by which it is acquired.

Sec. 2. In order to promote the reconversion to peacetime economy, to relieve the conditions of unemployment, to aid in the rehabilitation of returning veterans and to encourage the increase of industry in this state, any city may borrow money and issue negotiable bonds for the purpose of defraying the cost of acquiring any industrial building, either by purchase or construction, but only after an ordinance has been adopted by the legislative body of the city specifying the

proposed undertaking, the amount of bonds to be issued, and the Maximum rate of interest the bonds are to bear. The ordinance shall further provide that the industrial building is to be acquired pursuant to the provisions of this Act.

Sec. 3. (1) The bonds may be issued to bear interest at a rate not to exceed six percent per annum, payable either annually or semi-annually, and shall be executed in such manner and be payable at such times not exceeding twenty-five years from date thereof and at such place or places as the city legislative body determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed by the city legislative body before issuing the bonds.

Sec. 4. Bonds issued pursuant to this Act shall be negotiable. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the city legislative body deems best, or any contract for the acquisition of any industrial building may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six percent, except as provided in subsection (2) of section 3 of this Act. The bonds shall be payable solely from the revenue derived from the building, and shall not constitute an indebtedness of the city within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has beeen issued under the provisions of this Act and that it does not constitute an indebtedness of the city within the meaning of the Constitution.

Sec. 5. All money received from the bonds shall be applied solely for the acquisition of the industrial boilding, and the necessary expense of preparing, printing and selling said

bonds, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds.

Sec. 6. If there is any default in payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the industrial building on behalf of the city, with power to charge and collect rents sufficient to provide for the payment of any bonds or obligations outstanding against the building, and for the payment of operating expenses, and to apply the income and revenue in conformity with this Act and the ordinance referred to in Section 2 of this Act.

Sec. 7. At or before the issuance of bonds the City legislative body shall, by ordinance, set aside and pledge the income and revenue of the industrial building into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the proportion of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of industrial building. The rents to be charged for the use of the building shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the building and an adequate depreciation account.

Sec. 8. If a surplus is accumulated in the operating and maintenance funds equal to the cost of maintaining and operating the industrial building during the remainder of the calendar, operating or fiscal year, and during the succeeding like year, any excess over such amount may be transferred at any time by the city legislative body to the depreciation account, to be used for improvements, extensions or additions to the building.

Sec. 9. The funds accumulating to the depreciation account shall be expended in balancing depreciation in the indus-

trial building or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the city legislative body may designate, and if invested the income from such investment shall be carried into the depreciation account.

Sec. 10. The city may issue new bonds to provide funds for the payment of any outstanding bonds, in accordance with the procedure prescribed by this Act. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

Sec. 11. If the city legislative body finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

Sec. 12. Any city acquiring any industrial building pursuant to the provisions of this Act may, at the time of issuing the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary. Bonds placed in escrow shall, when negotiated, have equal standing with the bonds of the same issue.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	B. J. Bonn	L. A. Demumbrun
Roy W. Arnold	J. C. Bradley	E. R. Denny
F. O. Baker	Mrs. Mary Burnett	Adron Doran
Harold L. Barnes	Chas. W. Burnley	G. I. Drury
F. H. Bassett, Jr.	Alex. H. Calvert	Forest C. Easley
Ott Begley	W. K. Coleman	R. R. Ernst
W. G. Biggers	S. J. Daugherty	A. H. Eversole

Henry J. Giles	W. E. McClure	Luther Slusher
Tom Gilliam	Jack McPherron	Forrest Smith
Otto W. Goff	Harry L. Moore	W. R. Smith
R. M. Hall	J. L. Moore	Paul J. Stapleton
C. L. Hammonds	J. Lee Moore	Geo. W. Steinford
Clyde S. Howard	Joe T. Morgan	L. S. Stephens
Jerry F. Howell	E. C. Mullins	Ralph G. Stone
Ira W. Hulette	Rodes K. Myers	C. W. Taylor
Kerby Jennings	Thos. A. Noe	E. L. Thompson
L. H. Jones	Joe E. Nunn	Ray G. Tipton
B. F. Kincaid	Louis T. Peniston	E. N. Todd
G. O. Kirkpatrick	Sylvester Phillips	Lyle H. Webb
Edgar Kitchen	L. W. Preston	W. W. Webster
H. K. Lowman	E. F. Prichard	Geo. J. Weining
E. J. Lucas	Hobart Rayburn	Lawrence Wells
Ed Marcum	Kelse H. Risner	Rodney Whitlow
F. G. Marquette	Amos Runyan	
E. H. Martin	J. W. Simmons	—73

Resolved that the title thereof be as aforesaid.

Mr. Preston moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Spencer moved that the Rules of this House be suspended for the purpose of extending the privilege of the floor.

Said motion was agreed to.

Thereupon, Mr. Spencer moved that the privilege of the floor be extended to Mrs. Lucy Spencer, Douglas and Robert Spencer.

Said motion was agreed to.

Mr. Newcomb moved that the privilege of the floor be extended to Messrs. Walton Smith, Elwood Moore, Humphrey Miller, Elza Dobbs, and T. P. Wells.

Said motion was agreed to.

Mr. Kinkaid moved that the privilege of the floor be extended to Messrs. O. E. Billiter, B. B. Hodgkins, and W. G. Conkwright.

Said motion was agreed to.

Mr. Gilliam moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Gilliam of the Committee on Cities of the Second Class.

H. B. 322. An Act relating to condemnation of property in cities of the second class.

With a Committee Amendment thereto.

H. B. 361. An Act relating to county detectives for juvenile and divorce investigations in certain counties.

H. B. 299. An Act relating to the annexation or reduction of territory by cities of the second class, etc.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 237. An Act relating to water districts, amending Sec. 74.240 KRS.

H. B. 336. An Act relating to sheriffs.

H. B. 325. An Act relating to stenographers to the Commonwealth's Attorney.

H. B. 306. An Act to amend and re-enact Sec. 94.160 KRS.

H. B. 313. An Act to amend Sec. 92.020 KRS.

H. B. 329. An Act to amend and re-enact Sec. 28.450 and 28.460 KRS.

By Mr. Stapleton of the Committee on Insurance, Life and Casualty.

H. B. 259. An Act relating to hospital service corporations.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Stapleton moved that the Rules of this House be suspended for the purpose of introducing bills and resolutions.

Said motions was agreed to.

Thereupon the following bills and resolutions were introduced, viz.:

By Messrs. Bonn, Coleman, Gilligan and Stone.

H. B. 397. An Act relating to the classification service on the Merit System in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 90.120 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

(1) There shall be created and established in cities of the first class a Civil Service Board to be known as . . Louisville . .
(Insert name of city)
Civil Service Board. Said Board shall consist of five members of whom four shall be appointed by the mayor and the

the mayor shall be the fifth member ex officio. Any Civil Service Board heretofore established pursuant to KRS 90.110 to 90.240 shall be enlarged to accord with the provisions of this section. The mayor, as ex officio member, shall not have the right to vote except when necessary to break a tie. The appointive members shall be selected equally from the two political parties casting the highest and next highest number of votes at the last preceeding general election and shall be persons in sympathy with the merit principle of public personnel administration. All members shall be appointed for a four year term. In any city in which there has been heretofore established a Civil Service Board pursuant to KRS 90.110 to 90.240 the mayor shall appoint the additional appointive member herein provided for, for a term commencing July 1, 1946, and other appointments by the mayor of such a city to said Board shall be made at the conclusion of the term of the present incumbents and shall be made in such a way as to have said Board conform as soon as practicable to the equal division between political parties. Vacancies created by death, resignation and otherwise shall be filled for the unexpired portion of the term only. Any member of the Board appointed according to the provisions of this section shall be eligible for reappointment unless said reappointment would offend the equal political division of said Board.

(2) No member of the said Board shall be eligible for any appointive office of the city while a member of said Board, or for one year thereafter. If a member of the Board becomes a candidate for an elective office, he thereby vacates his position as a member of the Board.

(3) Any member of the Board may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten days notice in writing shall have been given to the member, which notice shall contain a copy of charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office.

Section 2. Section 90.150 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

(1) The classified service covered by KRS 90.110 to

90.240, and hereby placed under the jurisdiction of the Board shall include all offices, positions, and places of employment, except as herein provided, in the following departments and agencies in the service of the city to wit: The department of public safety, the department of public health, the department of public welfare, and the civil service board; if any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the city, such offices, positions or places of employment shall continue to be covered by KRS 90.110 to 90.240. The classified service shall also include all other offices and positions and places of employment in other departments or agencies of the city or serving the city to which the classified service may be hereafter extended pursuant to the provisions of KRS 90.210, or any other Act.

(2) The following offices, positions, and places of employment, in the departments and agencies hereinabove specifically named, are excluded from the classified service, to wit:

(a) The director of safety and the following positions in that department, to wit: Private secretary, the chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen; superintendent and animal catchers, and caretakers, in division of city pound; supervising inspector of weights and measures, and inspector of weights and measures, and deputy inspector, in division of weights and measures.

(b) The director of health and the following positions in that department, to wit: Private secretary, kitchen helpers, cleaners, waitresses, house maids, janitresses, laundresses, hospital resident medical staff, University visiting staff, student nurses, bona fide University students.

(c) The director of welfare and the following positions in that department, to wit: Private secretary, janitors, cleaners, laundresses, night watchman, truck drivers, kitchen helpers, janitresses, park laborers, bona fide University students.

(d) Members of the civil service board and the personnel director.

Provided, however, the offices, postions and places of employment excluded by paragraphs (a), (b), (c) and (d) of

this section from the classified service may hereafter be placed in the classified service, under and in accordance with the provisions of Section 9 of this Act (KRS 90.210, except that the offices or positions of director of safety, chief of police, chief of detectives, chief of firemen, assistant chief of firemen, director of health, director of welfare, and members of the civil service board shall not be in the classified service whether theretofore or not placed in said classified service, and provided, further, that no office, position or place of employment which is placed in the classified service after February 15, 1946, by action of the legislative body of the city shall be in the classified service.

(3) Any classified employee in the department of safety, who shall accept any appointment and qualify as chief of police, assistant chief of police, chief of detectives, chief of firemen, or assistant chief of firemen, shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of said respective positions. Should any such chief or assistant chief, or chief of detectives, cease to serve as such, there shall be restored to him the same classification and rank which he held prior to said appointment.

Section 3. Section 90.210 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

The Board, without additional compensation, shall perform, under and pursuant to the provisions of KRS 90.110 to 90.240, the same services and duties provided for herein, for any department, board or agency of such city or any joint board or joint agency of such city and such county, in which said city is located, if and when by statute or by action of the governing body or any independent agency, the personnel or part or parts thereof of such department, board or agency, or joint board or joint agency, is placed under the merit system. And it is further provided that any independent agency of the city government may adopt the provisions of KRS 90.210 to 90.240 covering such offices, positions or classes of positions, or places of employment, in such agency, as the governing body of such agency may designate. When the provisions hereof shall have been extended by statute, or by

action of the governing body of any independent agency, then all of the provisions of KRS 90.110 to 90.240 shall be applied to such offices, positions, and places of employment, in such departments, boards, agencies, and joint boards or joint agencies, the same as if originally included herein. The date of any extension of the provisions of KRS 90.110 to 90.240 to include additional offices, positions, or classes of positions, or places of employment, shall be considered as the effective date of those sections with respect thereto, and employees then holding such offices, positions, or places of employment, thereby made subject to the provisions of KRS 90.110 to 90.240 shall be considered as having satisfied all of the qualifications for obtaining original appointment under those sections, and shall be considered as having been given probationary appointments as defined in KRS 90.110, as of the date they are thus placed in the classified service hereunder.

By Mr. Wagner.

H. B. 398. An Act relating to implied warranties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No owner, operator or keeper of a retail grocery store or food or meat market shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for man or domestic animal which is sold by said owner, operator or keeper in the original container, can, box, bottle or other type of container in which it was received by said retailer from a manufacturer, processor or wholesaler and which original container is of such sort and so sealed, stopped, fastened or inclosed as to make it impracticable to be opened for examination of the contents thereof by the retailer. None of the provisions of KRS 361.150 shall be construed to create an implied warranty in any such case, it being the intention of the General Assembly that KRS 361.150 shall not apply in any such case.

By Mr. Gilliam.

H. Res. 84. Resolution authorizing Morrison B. Smith to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Morrison Baxton Smith, Owensboro, Rural Route No. 2, Daviess County, Kentucky, be authorized to sue the Commonwealth of Kentucky in the Daviess County Circuit Court for damages resulting from serious personal injuries sustained on State Highway 54, in Daviess County, Kentucky, caused by alleged negligence on the part of the employes of of the Department of Highways of Kentucky while said employes were in the line of duty as employes of this commonwealth.

Said suit shall be for a sum not in excess of $15,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it is advisable. Any amount received in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Messrs. C. W. Taylor, Denney, Preston and Howell.

H. Res. 85. Resolution for the benefit of officers and employees of Senate and House.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employees and officers of the Senate and House of Representatives, viz: Assistant Clerks, Enrolling Clerks, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of $15,924.00.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $6,424.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowance on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1946, the rate per day to be computed by said Chief Clerk and the Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $9,500.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such expense allowances on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in 1946. The rate per day to be computed by the said Chief Clerk and the Speaker of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart for various sections of the State, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said bills and resolutions be printed and referred.

Mr. Howell moved that the House do now take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 124. An Act appropriating money for the operation, maintenance, support and functioning of the State government, etc.

With a Committee Amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the Geenral Expenditure Fund for the fiscal year beginning July 1, 1946, and ending June 30, 1947, and for the fiscal year beginning July 1, 1947, and ending June 30, 1948, the following sums for the following officers, departments, boards, commissions, institutions and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE
1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1946-1947	$ 5,000.00
1947-1948	$ 250,000.00

(b) *Legislative Research.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this agency,

1946-1947 ..... $ 500.00
1947-1948 ..... $ 500.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 2,400.00
1947-1948 ..... $ 2,400.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 42,250.00
1947-1948 ..... $ 42,250.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,500.00
1947-1948 ..... $ 17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 11,050.00
1947-1948 ..... $ 11,050.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1946-1947 ..... $ 1,100,000.00
1947-1948 ..... $ 1,100,000.00

(e) *Salaries — Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 290,000.00
1947-1948 ..... $ 290,000.00

(f) *Return of Fugitive from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1946-1947 ..... $ 140,000.00
1947-1948 ..... $ 140,000.00

(h) *Judiciary Building.* For capital outlay in construction and equipping a suitable building to accommodate the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(The above appropriation shall be expended by and under the direction of a Judiciary Building Commission, which is hereby created, consisting of the Governor, the Attorney General, and the Chief Justice of the Court of Appeals. Said Commission is authorized and empowered to adopt plans and specifications for the construction and equipping of a Judiciary Building, as it may deem best and most suitable for the accommodation of the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library. The building shall be erected upon the grounds now owned by the state immediately South of the New State Capitol, the exact site to be selected by the commission. After plans and specifications have been adopted by the commission, it shall advertise for sealed proposals for the work, or any part thereof, and the work shall be awarded to the lowest and best bidder, due regard being had to the responsibility of the bidder. No contract shall provide for the payment, in any one fiscal year, of an amount exceeding the amount available for that year from the appropriation above made, but any unexpended or unencumbered balance remaining at the end of a fiscal year shall not lapse to the General Expenditure Fund but may be encumbered and expended in

a following year. Every contractor shall be required to execute bond conditioned for the faithful performance of his contract, with surety to be approved by the commission. The commission may employ an architect and a superintendent of the building, and fix the compensation thereof. Copies of all contracts made by the commission shall be filed with the Department of Finance. Warrants for the expenditures shall be issued by the Commissioner of Finance upon order of the commission.

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1946-1947	$	23,500.00
1947-1948	$	23,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1946-1947	$	4,000.00
1947-1948	$	4,000.00

(c) *Contingent Fund.* For ordinary recurring expenses of operation,

1946-1947	$	6,000.00
1947-1948	$	6,000.00

(d) *Emergency Fund.*

General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund.

1946-1947	$	50,000.00
1947-1948	$	50,000.00

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1946-1947	$	21,000.00
1947-1948	$	21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1946-1947	$	1,200.00
1947-1948	$	1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1946-1947	$	41,000.00
1947-1948	$	41,000.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1946-1947	$	2,000.00
1947-1948	$	2,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1946-1947	$	28,800.00
1947-1948	$	12,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation,

1946-1947	$	37,500.00
1947-1948	$	37,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Capital Outlay.* For capital outlay necessary for the Department of Treasury,

1946-1947	$	4,000.00
1947-1948	$	4,000.00

(c) *Custodian of Securities.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 600.00
1947-1948 ..... $ 600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing,

1946-1947 ..... $ 140,000.00
1947-1948 ..... $ 140,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1946-1947 ..... $ 127,000.00
1947-1948 ..... $ 127,000.00

(c) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 12,000.00

(d) *Public Record Books. (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books as provided in KRS 28.130,

1946-1947 ..... $ 64,500.00
1947-1948 ..... $ 64,500.00

(e) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required in KRS 117.070,

1946-1947 ..... $ 250.00
1947-1848 ..... $ 250.00

(f) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(g) *Paper. (Revolving Fund.)* To be used for the purpose of paper to be held in stock until charges of paper used by the budget classes are made against the various budget units,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(h) *Postage. (Revolving Fund.)* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(i) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1946-1947 ..... $ 80,000.00
1947-1948 ..... $ 80,000.00

10. KENTUCKY AERONAUTICS COMMISSION

Kentucky Aeronautics Commission. For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

11. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various divisions of the Department of Revenue,

1946-1947 ..... $ 428,000.00
1947-1948 ..... $ 428,000.00

Miscellaneous Revenue Agencies

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 500.00
1947-1948 ..... $ 500.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation, and for capital outlay,

1946-1947 ..... $ 500,000.00
1947-1948 ..... $ 500,000.00

(c) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap Park,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(d) *Division of Forestry.* For ordinary recurring expenses of operation, and for capital outlay,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(Of the above amounts, $25,000.00 is to be used each year for capital outlay.)

(e) *Division of Publicity.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 50,000.00

(f) *Division of Soil and Water Resources.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For or ordinary recurring expenses of operation,

1946-1947 ..... $ 16,000.00
1947-1948 ..... $ 16,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 42,000.00
1947-1948 ..... $ 42,000.00

(d) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 47,500.00
1947-1948 ..... $ 47,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters

of each fiscal year, "Division of Markets", "Weights and Measures".)

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitary Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 34,000.00
1947-1948 ..... $ 34,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the disease and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *4-H Club and future Farmer Work.* For paying premiums for 4-H Club and Future Farmer Work and for the promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(e) State Fair Board.

(1) For per diem and expenses of Board members,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(2) Premiums for State Fair,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing.

November 1, 1946 ..... $ 14,000.00
November 1, 1947 ..... $ 14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health-General.* For ordinary recurring expenses of operating including laboratory service,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(Of this amount $12,000.00 each year shall be earmarked for the operation of a motorized field laboratory unit.)

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse Service.

1946-1947 ..... $ 375,000.00
1947-1948 ..... $ 375,000.00

(d) *Hazelwood Sanitorium.*

(1) For ordinary recurring expenses of operation,

1946-1947 ..... $ 318,000.00
1947-1948 ..... $ 318,000.00

(2) For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1946-1947 ..... $ 13,000.00
1947-1948 ..... $ 13,000.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(i) *Kentucky Division of Women's Field Army of American Society for Control of Cancer.* For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patients, and for control of cancer under supervision of State Board of Health,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

(j) *State Tuberculosis Sanatoria (other than Hazelwood).* For ordinary recurring expenses of operation,

1947-1948 only ..... $ 300,000.00

(k) *Capital outlay for State Tuberculosis Sanatoria (other than Hazelwood).* For capital outlay in the construction, equipping, and furnishing of state tuberculosis sanatoria, in accordance with the provisions of KRS 215.071 to 215.074, supplementing any funds available for said purpose under the provisions of Chapter 1 of the Acts of the Second Extraordinary Session of the 1944 General Assembly.

1946-1947 ..... $1,500,000.00
1947-1948 ..... $1,500,000.00

17. DEPARTMENT OF WELFARE

(a) *Office of Commissioner of Welfare.* For ordinary recurring expenses of operation in the administration of the Department of Welfare,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Division of Fiscal Control.* Ordinary recurring expenses of operation,

1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(c) *Division of Hospitals and Mental Hygiene.* For ordinary recurring expenses of operation of:

1. Office of Director of Division,
1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00
2. Eastern State Hospital,
1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00
3. Central State Hospital,
1946-1947 ..... $ 450,000.00
1947-1948 ..... $ 450,000.00
4. Western State Hospital,
1946-1947 ..... $ 380,000.00
1947-1948 ..... $ 380,000.00
5. Feeble-Minded Institute,
1946-1947 ..... $ 225,000.00
1947-1948 ..... $ 225,000.00
6. Darnall Hospital
1946-1947 ..... $ 1,000,000.00
1947-1948 ..... $ 1,000,000.00

(d) *Division of Corrections.* For ordinary recurring expenses of operation of:

1. Office of Director of Division, including administration of probation and parole,
1946-1947 ..... $ 105,000.00
1947-1948 ..... $ 105,000.00
2. Houses of Reform,
1946-1947 ..... $ 235,000.00
1947-1948 ..... $ 235,000.00
3. State Reformatory,
1946-1947 ..... $ 425,000.00
1947-1948 ..... $ 425,000.00
4. State Penitentiary,
1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00
5. Women's Prison,
1946-1947 ..... $ 41,000.00
1947-1948 ..... $ 41,000.00

(e) *Kentucky Children's Home.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 110,000.00
1947-1948 ..... $ 110,000.00

(f) *Division of Engineering.* For ordinary recurring expenses of operation and for capital outlay,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(g) *Division of Child Welfare.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(h) *Social Security Administration.* For ordinary recurring expenses:

(1) Office of Commissioner of Welfare, in administration of Social Security program,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(2) Fiscal Control and Management,

1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00

(i) *Division of Public Assistance.* For ordinary recurring expenses of operation of:

1. Office of Director of Division, including cost of printing checks for recipients of public assistance,

1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00

2. Old Age Assistance Payments,

1946-1947 ..... $ 4,368,596.00
1947-1948 ..... $ 4,368,596.00

3. Aid to the Needy Blind,

1946-1947 ..... $ 151,173.00
1947-1948 ..... $ 151,173.00

4. Aid to Dependent Children,

1946-1947 ..... $ 1,207,036.00
1947-1948 ..... $ 1,207,036.00

5. Benefits for Dependent Children,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

6. Field operations in Administration of Public Assistance program,

1946-1947 ..... $ 250,000.00
1947-1948 ..... $ 250,000.00

(j) *Home for Incurables.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(k) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(l) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(m) *Pauper Idiots.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 14,000.00
1947-1948 ..... $ 14,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(e) *Common School Per Capita Fund.* For the payment and increase of the monthly salaries of teachers and for no other purpose,

1946-1947 ..... $17,411,062.37
1947-1948 ..... $17,411,062.37

The State board of Education is directed to approve no working budget or salary schedule for a local board of education for the school years 1946-1947 and 1947-1948 in which the total amount budgeted for teachers' salaries in the school year 1945-1946 is not increased by the additional amount of per capita revenue apportioned to that district, over that received in the school year 1945-1946, except where there is a decline in local revenue of that district after the district has levied the maximum ad valorem tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

(f) *Interest on State School Bonds.* From interest on State School bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of common school per capita in item (e),

1946-1947 ..... $ 138,937.63
1947-1948 ..... $ 138,937.63

(g) *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1946-1947 ..... $1,950,000.00
1947-1948 ..... $1,950,000.00

(h) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3% of this appropriation may be used for administration,

1946-1947 ..... $ 500,000.00
1947-1948 ..... $ 500,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(k) *Kentucky State College for Negroes*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 225,000.00
1947-1948 ..... $ 225,000.00

2. For capital outlay,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(l) *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(m) *West Kentucky Vocational Training School for Negroes.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,006.00
1947-1948 ..... $ 55,006.00

2. For capital outlay,

1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

(n) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training,

1946-1947 ..... $ 30,000.00
1947-1948 ..... $ 30,000.00

(If, prior to the end of either or both fiscal years, it appears that the entire sum appropriated for such fiscal year will not be required for the payment of college tuition, the balance may be used within such fiscal year for ordinary recurring expenses of higher education for Negroes within the State, at Kentucky State College for Negroes.)

(o) *Kentucky School for the Blind—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 85,000.00
1947-1948 ..... $ 85,000.00

2. For capital outlay,

1946-1947 only ..... $ 75,000.00

(p) *Kentucky School for the Blind—Colored.* For ordinary recurring expense of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(q) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(r) *Mayo State Vocational School.* For ordinary recurring expenses of operation, and capital outlay,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(s) *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1946-1947 ..... $ 16,800.00
1947-1948 ..... $ 16,800.00

(t) *Kentucky School for the Deaf—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

2. For capital outlay,

1946-1947 ..... $ 175,000.00
1947-1948 ..... $ 175.000.00

(u) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(v) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the

Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1946-1947 ..... $ 800,000.00
1947-1948 ..... $ 800,000.00

(w) *Northern Kentucky Vocational Training School.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,600,000.00
1947-1948 ..... $ 1,600,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary recurring expenses of administration,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment (capital outlay),

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

2. Scientific Laboratory Equipment (capital outlay),

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

3. Engineering Equipment, generally (capital outlay),
1946-1947 ..... $ 22,000.00
1947-1948 ..... $ 22,000.00
4. Engineering Equipment for Experiment Station (capital outlay),
1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00
5. Home Economics Equipment (capital outlay),
1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,
1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(i) *Research in Coal.*
1946-1947 ..... $ 8,250.00
1947-1948 ..... $ 8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 23,100.00
1947-1948 ..... $ 23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 2,000.00
1947-1948 ..... $ 2,000.00

(l) *Princeton Sub-station.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(m) *Quicksand Sub-station.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 170,500.00
1947-1948 ..... $ 170,500.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(p) *Bankhead Flannigan.*

1946-1947 ..... $ 160,730.00
1947-1948 ..... $ 80,730.00

(q) *Capital Outlay.*

1946-1947 ..... $ 425,000.00
1947-1948 ..... $ 425,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 380,000.00
1947-1948 ..... $ 380,000.00

2. For capital outlay,

1946-1947 ..... $ 135,000.00
1947-1948 ..... $ 135,000.00

(b) *Morehead State Teachers' College.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 334,000.00
1947-1948 ..... $ 334,000.00

(c) *Murray State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 354,000.00
1947-1948 ..... $ 354,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 225,000.00

(d) *Western Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 465,000.00
1947-1948 ..... $ 465,000.00

2. For capital outlay,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 12,000.00
1947-1948 ..... $ 12,000.00

(b) *Law Library Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(c) *Library Sales Account — Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,000.00
1947-1948 ..... $ 1,000.00

(e) *Division of Library Extenson.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

22. DEPARTMENT OF BUSINESS REGULATION

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(b) *Division of Wages and Hours for Women and Minors.* For ordinary recurring expenses of operation, including labor and statistics generally and inspection services,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 80,000.00
1947-1948 ..... $ 80,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 24,000.00
1947-1948 ..... $ 24,000.00

(b) *Assistant Attorney General for Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,000.00
1947-1948 ..... $ 7,000.00

26. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

(a) *Office of Commissioner.* For ordinary recurring expenses of the department,

1946-1947 ..... $ 90,000.00
1947-1948 ..... $ 90,000.00

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Money Refunded.* For refunding money paid to the State Treasurer, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(c) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(d) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. & M. bonds as provided by KRS 164.520,

1946-1947 ..... $ 9,900.00
1947-1948 ..... $ 9,900.00

(e) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1946-1947	$	250.00
1947-1948	$	250.00

(f) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1946-1947	$	1,500.00
1947-1948	$	1,500.00

(g) *Jefferson County Fees.* For paying various officials of Jefferson County 75 percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947	The amount necessary
1947-1948	The amount necessary

(h) *Kenton County Fees.* For paying various officials of Kenton County 75 percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947	The amount necessary
1947-1948	The amount necessary

(i) *Capital Outlay for Rehabilitation of Institutions.* For acquiring lands, construction of buildings, reconstruction of buildings, and the purchase and installation of equipment and furnishings of a permanent nature, for Western State Hospital, Central State Hospital, Eastern State Hospital, Kentucky Feeble-Minded Institute, House of Reform, State Penitentiary, State Reformatory, and Hazelwood Sanatorium, supplementing and in addition to any funds available for said

purpose under the provisions of Chapter 1 of the Acts of the Second Extraordinary Session of the 1944 General Assembly,

1946-1947 ..... $ 1,000,000.00
1947-1948 ..... $ 1,000,000.00

The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the State Treasurer, may contract for capital improvements for any of the institutions above specified, and shall make direct approval of all expenditures from the appropriations made in this subsection.

PART TWO
REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1947, and for the fiscal year ending June 30, 1948, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Accounts for the use and benefit of the separate professional boards, or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for capital outlay and ordinary recurring expenses of operation

properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisition. The total amount any agency may requisition from the Revolving Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1947, nor during the fiscal year ending June 30, 1948, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30 of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 217.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Expenses of Federal Elections. All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS

43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

STATUTE REVISION COMMISSION

Cost of Printing and Binding Statutes and Annotations. All money received from sale of statutes and annotations.

DIVISION OF GAME AND FISH

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
State Tuberculosis Sanatoria other than Hazelwood.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.

DEPARTMENT OF EDUCATION

Any private or Federal Funds that may become available for use in connection with the Department.
Kentucky State College for Negroes.
West Kentucky Vocational Training School for Negroes.
Mayo State Vocational School.
Northern Kentucky Vocational School.
State Board of Education—School Lunch Program.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

Eastern Kentucky State Teachers' College.
Morehead State Teachers' College.
Murray State Teachers' College.
Western Kentucky State Teachers' College. (Not More than $200,000.00 of the Revolving Fund Account for this Institution may be used for Capital Outlay)

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.
Stephenson Fund.
Library Extension Division.
State Board for Certification of Librarians.

PROFESSIONAL BOARDS AND COMMISSIONS

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners' Expense.
State Board of Professional Engineers.
Kentucky State Real Estate Commission.

DEPARTMENT OF BUSINESS REGULATION

1. *Division of Insurance Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1946 and 1947, under KRS 136.360, and also an amount equal to twenty-five percent (25% of all fees and other receipts paid into the State Treas-

ury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1947, and June 30, 1948, respectively.

2. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

3. *Banking and Small Loans.* All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.

Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foreman is hereby appropriated for ordinary recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1947, and June 30, 1948.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.

2. Division of Unemployment Compensation.

3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION

JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special suspense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

State Road Fund. There shall be established for the purpose of paying cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1946, and ending March 31, 1947, and for the fiscal year beginning April 1, 1947, and ending March 31, 1948, a State Road Fund and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities, including all revenues required, by Section 230 of the Constitution, to be used for highway purposes. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal years ending March 31, 1947, and March 31, 1948, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(1) *Federal-aid highway projects.* (a) There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $4,205,000, for projects on the Federal-aid highway

system other than in urban areas, in cooperation with the Federal Public Roads Administration.

(b) There is hereby appropriated out of the State Road Fund for each of the following fiscal years ending March 31, 1947, and March 31, 1948, the sum of $1,300,000, for projects on the Federal-aid highway system in urban areas, in cooperation with the Federal Public Roads Administration.

(c) There is further appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $3,500,000.00, to be used for secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus routes, either outside of municipalities or inside municipalities of less than five thousand population, in cooperation with the Federal Commissioner of Public Roads and in cooperation with the county fiscal courts, as provided in public Law No. 521 of the 78th Congress of the United States.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for ordinary recurring administrative expenses of operation of the Division of Administration, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $5,000,000.00, to be used by the Division of Rural Highways, for the construction and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be allocated among the several counties as may be provided by law, and to be expended upon such roads as may be designated by the fiscal courts of the respective counties according to plans adopted by such fiscal courts, under such regulations as may be prescribed by law. (Of this amount not more than 6 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department.) When the funds hereby appropriated have been allocated to the respective counties, any unexpended balance remaining to the credit

of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax, Tax on Other Motor Fuels, and Motor Vehicle Usage Tax.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the Fiscal years ending June 30, 1947, and June 30, 1948, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, and the laws relating to the Motor Vehicle Usage Tax, the sum of $195,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1947, and June 30, 1948, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

PART FOUR

1.

All receipts, fees and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, except those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institu-

tion, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allocated as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4, "EXECUTIVE DEPARTMENT", Item (d), Part One of this Act.

As the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues to be received into the General Fund cannot be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State

Government and to ascertain the total revenues anticipated to be received into the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by the general laws, is hereby authorized, empowered and directed by the Legislature to prevent expenditures in excess of the amounts made available by this Act for the purpose of meeting appropriations, by equity reducing, according to the need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

3.

To carry out the purpose of this act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the general fiscal year ending June 30, 1946, or for the fiscal year of the State Board Fund ending March 31, 1946, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

All continuing appropriations in existence at the time

this Act takes effect are hereby discontinued and repealed, except that the sum appropriated for capital outlays by paragraph (k) of Item 26 of Part One of Chapter 1 of the Acts of the Second Extraordinary Session of 1944 shall continue to be held and used as provided in said Act for the period and for the purposes provided in said Act.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1946, and ending June 30, 1947, and for the fiscal year beginning July 1, 1947, and ending June 30, 1948, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 250,000.00

(b) *Legislative Research.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 2,400.00
1947-1948 ..... $ 2,400.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 42,250.00
1947-1948 ..... $ 42,250.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,500.00
1947-1948 ..... $ 17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,050.00
1947-1948 ..... $ 1,050.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1946-1947 ..... $ 1,100,000.00
1947-1948 ..... $ 1,100,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 290,000.00
1947-1948 ..... $ 290,000.00

(f) *Return of Fugitive from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(g) *County Highway Patrol.* For the purpose of pay-

ing sheriffs of the various counties for performing duties as required by law,

1946-1947 ..... $ 140,000.00
1947-1948 ..... $ 140,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 23,500.00
1947-1948 ..... $ 23,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1946-1947 ..... $ 6,000.00
1947-1948 ..... $ 6,000.00

(d) *Emergency Fund.*

General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expendd by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund.

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 21,000.00
1947-1948 ..... $ 21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,200.00
1947-1948 ..... $ 1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 41,000.00
1947-1948 ..... $ 41,000.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1946-1947 ..... $ 2,000.00
1947-1948 ..... $ 2,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1946-1947 ..... $ 28,800.00
1947-1948 ..... $ 12,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 37,500.00
1947-1948 ..... $ 37,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Capital Outlay.* For capital outlay necessary for the Department of Treasury,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Custodian of Securities.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 600.00
1947-1948 ..... $ 600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing,

1946-1947 ..... $ 140,000.00
1947-1948 ..... $ 140,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1946-1947 ..... $ 127,000.00
1947-1948 ..... $ 127,000.00

(c) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 12,000.00

(d) *Public Record Books. (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books as provided in KRS 28.130,

1946-1947 ..... $ 64,500.00
1947-1948 ..... $ 64,500.00

(e) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required in KRS 117.070,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(f) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(g) *Paper. (Revolving Fund.)* To be used for the purpose of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(h) *Postage. (Revolving Fund.)* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(i) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1946-1947 ..... $ 80,000.00
1947-1948 ..... $ 80,000.00

10. KENTUCKY AERONAUTICS COMMISSION

Kentucky Aeronautics Commission. For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

11. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue,

1946-1947 ..... $ 428,000.00
1947-1948 ..... $ 428,000.00

Miscellaneous Revenue Agencies

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 500.00
1947-1948 ..... $ 500.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation, and for capital outlay,

1946-1947 ..... $ 450,000.00
1947-1948 ..... $ 450,000.00

(c) *Cumberland Gap National Park, Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap Park,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(d) *Division of Forestry.* For ordinary recurrng expenses of operation, and for capital outlay,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(e) *Division of Publicity.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 50,000.00

(f) *Division of Soil and Water Resources.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 95,000.00
1947-1948 ..... $ 95,000.00

(g) *Division of Recreation.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation.

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation.

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation.

1946-1947 ..... $ 42,000.00
1947-1948 ..... $ 42,000.00

(d) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 47,500.00
1947-1948 ..... $ 47,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets," "Weights and Measures.")

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law.

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitary Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 34,000.00
1947-1948 ..... $ 34,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the disease and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *4-H Club and Future Farmer Work.* For paying premiums for 4-H Club and Future Farmer work and for the promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(e) *State Fair Board.*

(1) For per diem and expenses of Board members,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(2) Premiums for State Fair,

1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing.

November 1, 1946 ..... $ 14,000.00
November 1, 1947 ..... $ 14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health-General.* For ordinary recurring expenses of operation including laboraory service.

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(Of this amount $12,000.00 each year shall be earmarked for the operation of a motorized field laboratory unit.)

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500,00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse Service.

1946-1947 ..... $ 375,000.00
1947-1948 ..... $ 375,000.00

(d) *Hazelwood Sanatorium.*

(1) For ordinary recurring expenses of operation,

1946-1947 ..... $ 318,000.00
1947-1948 ..... $ 318,000.00

(2) For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements,

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(i) *Kentucky Division of Women's Field Army of American Society for Control of Cancer.* For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patient, and for control of cancer under supervision of State Board of Health,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

(j) *State Tuberculosis Sanatoria (Other than Hazelwood.)* For ordinary recurring expenses of operation,

1947-1948 only ..... $ 300,000.00

(k) *Capital outlay of State Tuberculosis Sanatoria (Other than Hazelwood.)* For capital outlay in the construction, equipping, and furnishing of state tuberculosis sanatoria, in accordance with the provisions of KRS 215.071 to 215.074, supplementing any funds available for said purpose under the provisions of Chapter 1 of the Acts of the Second Extraordinary Session of the 1944 General Assembly.

1946-1947 ..... $ 725,000.00
1947-1948 ..... $ 1,500,000.00

(l) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

17. DEPARTMENT OF WELFARE

(a) *Office of Commissioner of Welfare.* For ordinary recurring expenses of operation in the administration of the Department of Welfare,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Division of Fiscal Control.* Ordinary recurring expenses of operation,

1946-1947 ..... $ 55,000.00
1947-1848 ..... $ 55,000.00

(c) *Division of Hospitals and Mental Hygiene.* For ordinary recurring expenses of operation of the charitable institutions and Darnall Hospital of the Department of Welfare,

1946-1947 ..... $ 2,400,000.00
1947-1948 ..... $ 2,600,000.00

(d) *Division of Corrections.* For ordinary recurring expenses of operation of:

1. Office of Director of Division, including administration of probation and parole,

1946-1947 ..... $ 105,000.00
1947-1948 ..... $ 105,000.00

2. Houses of Reform,
1946-1947 ..... $ 235,000.00
1947-1948 ..... $ 235,000.00
3 State Reformatory,
1946-1947 ..... $ 425,000.00
1947-1948 ..... $ 425,000.00
4. State Penitentiary,
1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00
5. Women's Prison,
1946-1947 ..... $ 41,000.00
1947-1948 ..... $ 41.000,00

(e) *Kentucky Children's Home.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 110,000.00
1947-1948 ..... $ 110,000.00

(f) *Division of Engineering.* For ordinary recurring expenses of operation and for capital outlay,
1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(g) *Social Administration.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.080, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind,"

(1) *Division of Child Welfare.* Expenses of operation,
1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00
a. Benefits for Dependent Children,
1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(2) Office of Commissioner of Welfare, in administration of Social Security program,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00
(3) Fiscal Control and Management,
1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00
(4) Division of Public Assistance.
a. Office of Director of Division,
1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00
b. Old Age Assistance Payments,
1946-1947 ..... $ 4,368,596.00
1947-1948 ..... $ 4,368,596.00
c. Aid to the Needy Blind,
1946-1947 ..... $ 151,173.00
1947-1948 ..... $ 151,173.00
d. Aid to Dependent Children,
1946-1947 ..... $ 1,207,036.00
1947-1948 ..... $ 1,207,036.00
e. Field operations in Administration of Public Assistance Program,
1946-1947 ..... $ 250,000.00
1947-1948 ..... $ 250,000.00
(h) *Home for Incurables.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00
(i) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00
(j) *Pauper Idiots.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation.

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 14,000.00
1947-1948 ..... $ 14,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(e) *Common School Per Capita Fund.* For the payment and increase of the monthly salaries of teachers and for no other purpose,

1946-1947 ..... $ 17,411,062.37
1947-1948 ..... $ 17,411,062.37

The State Board of Education is directed to approve no working budget or salary schedule for a local board of education for the school years 1946-1947 and 1947-1947 in which the total amount budgeted for teachers' salaries in the school year 1945-1946 is not increased by the additional amount of per capita revenue apportioned to that district, over that received in the school year 1945-1946, except where there is a decline in local revenue of that district after the district has levied the maximum ad valorem tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

(f) *Interest on State School Bonds.* From interest on State School bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of common school per capita in item (e),

1946-1947 ..... $ 138,937.63
1947-1948 ..... $ 138,937.63

(g) *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1946-1947 ..... $ 1,950,000.00
1947-1948 ..... $ 1,950,000.00

(h) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not exceeding 3 % of this appropriation may be used for administration,

1946-1947 ..... $ 500,000.00
1947-1948 ..... $ 500,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(k) *Kentucky State College for Negroes*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 225,000.00
1947-1948 ..... $ 225,000.00

2. For capital outlay,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(l) *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(m) *West Kentucky Vocational Training School for Negroes.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,006.00
1947-1948 ..... $ 55,006.00

2. For capital outlay,
1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

(n) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training,
1946-1947 ..... $ 30,000.00
1947-1948 ..... $ 30,000.00

(If, prior to the end of either or both fiscal years, it appears that the entire sum appropriated for such fiscal year will not be required for the payment of college tuition, the balance may be used within such fiscal year for ordinary recurring expenses of higher education for Negroes within the State, at Kentucky State College for Negroes.)

(o) *Kentucky School for the Blind—White.*

1. For ordinary recurring expenses of operation,
1946-1947 ..... $ 85,000.00
1947-1948 ..... $ 85,000.00

2. For capital outlay,
1946-1947 only ..... $ 75,000.00

(p) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(q) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(r) *Mayo State Vocational School.* For ordinary recurring expenses of operation, and capital outlay,
1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(s) *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,
1946-1947 ..... $ 16,800.00
1947-1948 ..... $ 16,800.00

(t) *Kentucky School for the Deaf—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 160,000.00

1947-1948 ..... $ 160,000.00

2. For capital outlay,

1946-1947 ..... $ 165,000.00

1947-1948 ..... $ 165,000.00

(u) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00

1947-1948 ..... $ 10,000.00

(v) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1946-1947 ..... $ 850,000.00

1947-1948 ..... $ 850,000.00

(w) *Northern Kentucky Vocational Training School.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00

1947-1948 ..... $ 35,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,600,000.00

1947-1948 ..... $ 1,600,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00

1947-1948 ..... $ 50,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 11,000.00

1947-1948 ..... $ 11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1946-1947 ..... $ 40,000.00

1947-1948 ..... $ 40,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary recurring expenses of administration,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment (capital outlay),

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

2. Scientific Laboratory Equipment (capital outlay),

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

3. Engineering Equipment, generally (capital outlay),

1946-1947 ..... $ 22,000.00
1947-1948 ..... $ 22,000.00

4. Engineering Experiment Station. For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

5. Home Economics Equipment (capital outlay),

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(i) *Research in Coal.*

1946-1947 ..... $ 8,250.00
1947-1948 ..... $ 8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 23,100.00
1947-1948 ..... $ 23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(l) *Princeton Sub-station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(m) *Quicksand Sub-station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 170,500.00
1947-1948 ..... $ 170,500.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(p) *Bankhead Flannagan.* For ordinary and recurring expenses of operation for Extension Service for College of Agriculture University of Kentucky,

1946-1947 ..... $ 160,730.00
1947-1948 ..... $ 240,730.00

(q) *Capital Outlay.*

1946-1947 ..... $ 425,000.00
1947-1948 ..... $ 425,000.00

20. STATE TEACHER'S COLLEGES

(a) *Eastern Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 380,000.00
1947-1948 ..... $ 380,000.00

2. For capital outlay,

1946-1947 ..... $ 135,000.00
1947-1948 ..... $ 135,000.00

(b) *Morehead State Teachers' College.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 334,000.00
1947-1948 ..... $ 334,000.00

(c) *Murray State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 354,000.00
1947-1948 ..... $ 354,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(d) *Western Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 465,000.00
1947-1948 ..... $ 465,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 12,000.00
1947-1948 ..... $ 12,000.00

(b) *Law Library Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,000.00
1947-1948 ..... $ 1,000.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

22. DEPARTMENT OF BUSINESS REGULATION

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(b) *Division of Wages and Hours for Women and Minors.* For ordinary recurring expenses of operation, including labor and statistics generally and inspection services,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 24,000.00
1947-1948 ..... $ 24,000.00

(b) *Assistant Attorney General for Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,000.00
1947-1948 ..... $ 7,000.00

26. DEPARMENT OF ALCOHOLIC BEVERAGE CONTROL

(a) *Office of Commissioner.* For ordinary recurring expenses of the department,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Money Refunded.* For refunding money paid to the State Treasurer, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(c) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1946-1947	$	10,000.00
1947-1948	$	10,000.00

(d) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. & M. bonds as provided by KRS 164.520,

1946-1947	$	9,900.00
1947-1948	$	9,900.00

(e) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1946-1947	$	250.00
1947-1948	$	250.00

(f) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1946-1947	$	1,500.00
1947-1948	$	1,500.00

(g) *Jefferson County Fees.* For paying various officials of Jefferson County 75 percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947	The amount necessary
1947-1948	The amount necessary

(h) *Kenton County Fees.* For paying various officials of Kenton County 75 percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance and to pay the fiscal court of said

county the part of said fees as may be required by KRS 64.350,

1946-1947 .....The amount necessary
1947-1948 .....The amount necessary

(i) *Capital Outlay for Rehabilitation of Institutions.* For acquiring lands, construction of buildings, reconstruction of buildings, and the purchase and installation of equipment and furnishings of a permanent nature, for Western State Hospital, Central State Hospital, Eastern State Hospital, Kentucky Training Home, House of Reform, State Penitentiary, State Reformatory, and Hazelwood Sanatorium, supplementing and in addition to any funds available for said purpose under the provisions of Chapter I of the Acts of the Second Extraordinary Session of the 1944 General Assembly,

1946-1947 ..... $ 1,000,000.00
1947-1948 ..... $ 1,000,000.00

The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the State Treasurer, may contract for capital improvements for any of the institutions above specified, and shall make direct approval of all expenditures from the appropriations made in this subsection.

PART TWO
REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1947, and for the fiscal year ending June 30, 1948, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are

received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Accounts for the use and benefit of the separate professional boards, or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for capital outlay and ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisition. The total amount any agency may requisition from the Revolving Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1947, nor during the fiscal year ending June 30, 1948, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30 of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 217.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030,

not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Expenses of Federal Elections. All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use of said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 134.400.

STATUTE REVISION COMMISSION

Cost of Printing and Binding Statutes and Annotations. All money received from sale of statutes and annotations.

DIVISION OF GAME AND FISH

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
State Tuberculosis Sanatoria other than Hazelwood.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.

DEPARTMENT OF EDUCATION

Any private or Federal Funds that may become available for use in connection with the Department.
Kentucky State College for Negroes.

West Kentucky Vocational Training School for Negroes.
Mayo State Vocational School.
Northern Kentucky Vocational School.
State Board of Education—School Lunch Program.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Kentucky School for the Blind.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

Eastern Kentucky State Teachers' College.
Morehead State Teachers' College.
Murray State Teachers' College.
Western Kentucky State Teachers' College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.
Stephenson Fund.
Library Extension Division.
State Board for Certification of Librarians.

PROFESSIONAL BOARDS AND COMMISSIONS

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners Expense.
State Board of Professional Engineers.
Kentucky State Real Estate Commission.

DEPARTMENT OF BUSINESS REGULATION

1. *Division of Insurance Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1946 and 1947, under KRS 136.360, and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1947, and June 30, 1948, respectively.

2. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

3. *Banking and Small Loans.* All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.

Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foreman is hereby appropriated for ordinary recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1947, and June 30, 1948.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.

2. Division of Unemployment Compensation.
3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION

JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special suspense and clearing accounts pending final distribution of funds.

PART THREE
DEPARTMENT OF HIGHWAYS

State Road Fund. There shall be established for the purpose of paying cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1946, and ending March 31, 1947, and for the fiscal year beginning April 1, 1947, and ending March 31, 1948, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benfit of public roads and all funds realized from taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities, including all revenues required, by Section 230 of the Constitution, to be used for highway purposes. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal years ending March 31, 1947, and March 31, 1948, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(1) *Federal-aid highway projects.* (a) There is hereby appropriated out of the State Road Fund for each of the

fiscal years ending March 31, 1947, and March 31, 1948, the sum of $4,205,000, for projects on the Federal-aid highway system other than in urban areas, in cooperation with the Federal Public Roads Administration.

(b) There is hereby appropriated out of the State Road Fund for each of the following fiscal years ending March 31, 1947, and March 31, 1948, the sum of $1,300,000, for projects on the Federal-aid highway system in urban areas, in cooperation with the Federal Public Roads Administration.

(c) There is further appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $3,500,000.00, to be used for secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus routes, either outside of municipalities or inside of muncipalities of less than five thousand population, in cooperation with the Federal Commissioner of Public Roads and in cooperation with the county fiscal courts, as provided in public Law No. 521 of the 78th Congress of the United States.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for ordinary recurring administration expenses of operation of the Division of Administration, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $5,000,000.00 to be used by the Division of Rural Highways, for the construction and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be allocated among the several counties as may be provided by law, and to be expended upon such roads as may be designated by the fiscal courts of the respective counties according to plans adopted by such fiscal courts, under such regulations as may be prescribed by law. (Of this amount not more than 6 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department.) When

the funds hereby appropriated have been allocated to the respective counties, any unexpended balance remaining to the credit of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax, Tax on Other Motor Fuels, and Motor Vehicle Usage Tax.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the Fiscal years ending June 30, 1947, and June 30, 1948, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, and the laws relating to the Motor Vehicle Usage Tax, the sum of $195,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1947, and June 30, 1948, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $75,000.00.

PART FOUR

1.

All receipts, fees and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, except those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as pro-

vided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution or agency of the State Government shall be covered into the State Treasury promptly as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allocated as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4, "EXECUTIVE DEPARTMENT", Item (d), Part One of this Act.

As the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues to be received into the General Fund cannot be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to

ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government and to ascertain the total revenues anticipated to be received into the General Expenditure Fund of the Commonwealth, including the unencumbered cash balance which may be on hand, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by the general laws, is hereby authorized, empowered and directed by the Legislature to prevent expenditures in excess of the amounts made available by this Act for the purpose of meeting appropriations, by equitably reducing, in proportion to the amounts of the respective appropriations, and without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby-vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

3.

To carry out the purpose of this act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the general fiscal year ending June 30, 1946, or for the fiscal year of the State Board Fund ending March 31, 1946, and nothing in this Act is to be construed to

amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed, except that the sum appropriated for capital outlays by paragraph (k) of Item 26 of Part One of Chapter 1 of the Acts of the Second Extraordinary Session of 1944 shall continue to be held and used as provided in said Act for the period and for the purposes provided in said Act.

Mr. Howell offered the following amendment to said Substitute, viz:

Amend the Committee Substitute for H. B. 124 on page 24, section 20, line 19 by striking out the figures "$200,000" in line 19 and substituting in lieu thereof the figures "$225,000."

Said amendment was agreed to.

Mr. Doran moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. O. Baker	E. R. Hilton	Thos. A. Noe
Harold L. Barnes	Clyde S. Howard	Joe E. Nunn
F. H. Bassett, Jr.	Maurice Howard	Louis T. Peniston
W. G. Biggers	Jerry F. Howell	L. W. Preston
Jack Bingham	J. J. Huff	E. F. Prichard
B. J. Bonn	Ira W. Hulette	Kelse H. Risner
J. C. Bradley	Kerby Jennings	Amos Runyan
John Y. Brown	Paul Jonas	J. W. Simmons
Mrs. Mary Burnett	B. F. Kincaid	Luther Slusher
Chas. W. Burnley	Edgar Kitchen	Forrest Smith
Alex. H. Calvert	Homer E. Losey	W. R. Smith
W. K. Coleman	A. L. Love	Paul J. Stapleton
Fred Creasey	H. K. Lowman	Geo. W. Steinford
S. J. Daugherty	Ed Marcum	L. S. Stephens
Adron Doran	F. G. Marquette	Ralph G. Stone
G. I. Drury	E. H. Martin	E. L. Thompson
Forest C. Easley	W. E. McClure	E. N. Todd
R. R. Ernst	Jack McPherron	Walter L. Trivette
Henry J. Giles	Harry L. Moore	Harry F. Walters
Tom Gilliam	J. L. Moore	W. W. Webster
M. B. Gilligan	J. Lee Moore	Geo. J. Weining
Otto W. Goff	Fred Morgan	Morris Weintraub
R. M. Hall	E. C. Mullins	Rodney Whitlow
C. L. Hammonds	Rodes K. Myers	Mr. Speaker
Harold G. Helm		—73

Those who voted in the negative were—

C. W. Anderson	L. H. Jones	Wade H. Riley
Ott Begley	G. O. Kirkpatrick	E. A. Spencer
B. K. Brantley	E. J. Lucas	C. W. Taylor
L. A. Demumbrun	Joe T. Morgan	Ray G. Tipton
E. R. Denny	J. C. Newcomb	S. J. Wagner
Eck Embry	Sylvester Phillips	Lawrence Wells
A. H. Eversole	Hobart Rayburn	—20

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body, entitled:

S. B. 115. An act appropriating money out of the General Expenditure Fund for the fiscal year ending June 30, 1946, supplementing an appropriation heretofore made by the General Assembly for Public Assistance, Aid to Dependent Children and Aid to Needy Blind.

Said bill is as follows, viz:

Be enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1.—There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the fiscal year ending June 30, 1946, the sum of $321,809.00 to supplement the appropriation to the Division of Public Assistance for ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior or current year accounts necessary to comply with federal regulations, and for the administration of Old Age Assistance, K.R.S. 205.010 to 205.080, including cost of printing checks for recipients of public assistance programs, and also for administration of the Child Welfare Program and for the administration of the Statutes pertaining to Aid to Dependent Children and to Aid to Blind, as enacted by the General Assembly at the extraordinary session which was begun as of June 12, 1944, as appears in Acts of 1944, at page 491 which supplemental appropriation is required to carry the programs at the present level to the end of the current fiscal year.

Sec. 2.—It being necessary that funds be made available during the current fiscal year for the maintenance of current payments, an emergency is declared, and this bill shall become effective upon its adoption by the General Assembly and approval by the Governor.

S. B. 130. An Act relating to eligibility for public assistance.

Said bill is as follows, viz:

Be enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (2) of Section 200.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 200.020 to 200.070, unless the context requires otherwise:

(a) "Aid to dependent children" means money payments and such services as may be necessary to provide for the welfare of dependent children; and

(b) "Dependent child" means a needy child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent.

Sec. 2. Section 200.020 of the Kentucky Revised Statutes is amended to read as follows:

Aid to dependent children under the provisions of KRS 200.020 to 200.070 shall be granted to any dependent child who is a resident of this state at the time of receiving aid and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions.

Sec. 3. Section 205.020 of the Kentucky Revised Statutes is amended to read as follows:

Old Age Assistance shall be granted to any needy person who:

(1) Has attained the age of sixty-five;

(2) Is a resident of this state at the time of receiving assistance and who has been a resident of this state for such period of time prior thereto as is prescribed by regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions;

(3) Is not at the time of receiving old age assistance an inmate of any public or private institution except for temporary medical or surgical care in a hospital; and

(4) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for old age assistance.

Sec. 4. Section 207.060 of the Kentucky Revised Statutes is amended to read as follows:

Aid to the needy blind shall be granted to any needy blind who:

(1) Is a resident of this state at the time of receiving aid, and who has been a resident of this state for such period of time prior thereto as is prescribed by the regulations of the Department of Welfare, which regulations may prescribe residence standards in accordance with varying circumstances and conditions, taking into consideration the residence requirements of other jurisdictions;

(2) Is not at the time of receiving aid to the needy blind an inmate of any public or private institution of a custodial or eleemosynary nature, except in case of temporary medical or surgical care in a hospital;

(3) Has not voluntarily made an assignment or transfer of property for the purpose of rendering himself eligible for aid to the needy blind; and

(4) Is not receiving aid to dependent children as provided for in Chapter 200 nor old age assistance as provided for in KRS 205.010 to 205.080. A person receiving either aid to dependent children or old age assistance may, however, make application for aid to the needy blind, but aid to the needy blind, if granted, shall not begin until he ceases to receive aid to dependent children or old age assistance.

S. B. 133. An Act relating to bridges of cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 181.500, Kentucky Revised Statutes, is hereby amended and as amended reads:

When the principal and interest on the bonds have been paid or their payment fully provided for, the commission shall stand dissolved. Thereupon: (1) the cash reserve on hand, if

any, after all outstanding obligations for the maintenance, repair and operation of the bridge have been paid, shall be paid or turned over to the city to be used in such manner as shall be determined by the Mayor of said city; (2) all right, title and interest in and to said bridge, including lands and appurtenances shall vest in the Commonwealth of Kentucky for the use and benefit of the Department of Highways and the City shall execute such conveyances as may be necessary; (3) the Department of Highways shall assume the operation, maintenance and repair of the bridge, as part of the State Highway System, but it shall be the duty of the city to sweep, sprinkle, light and police the travel portion of said bridge, provided the ordinary duties of the State Highway Patrol may be exercised there over; and (4) said bridge shall thereafter be operated free of tolls.

Section 2. Section 181.480, Kentucky Revised Statutes, is hereby repealed.

S. B. 134. An act relating to free public libraries in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 173.050, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.050 (2801b-3; 2801b-7) Powers of board of trustees. (1) The board of trustees may, in its corporate name:

(a) Contract and be contracted with, sue and be sued, and have and use a corporate seal, which it may alter at pleasure;

(b) Acquire, by itself or jointly with the city in which the library is located, by gift, purchase or otherwise, and hold, in the same manner, real and personal property to the use of the public library, for the purpose for which it is dedicated;

(c) Use, manage and improve, sell and convey, rent or lease property, and erect suitable buildings.

(2) The board of trustees may mortgage any real or personal property owned by the library to secure any sums borrowed for making repairs or impovements, or paying off any

indebtedness it may owe. The mortgage shall not exceed $1,000,000.00.

Section 2. Section 173.070, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.070 (2801b-6) Tax for public library; disposition of revenue; report to legislative body. (1) To raise money for the establishment and maintenance of the library, the city legislative body shall annually levy a tax of not less than three and one-half cents or more than ten cents on each one hundred dollars' worth of property assessed for taxation for city purposes. When the assessment is completed the amount levied annually shall be credited to the library fund of the city, and the revenue, as collected, shall be paid over to the board of trustees by the director of finance in regular monthly installments.

(2) The board shall make a report to the city legislative body each July, showing the use of the library for the fiscal year ending the last day of June preceding, the receipts and expenditures of all money handled by it during the year, and giving such other information as may promote the usefulness of the library to the public, or as is called for by the city legislative body. No portion of the property or fund held for library purposes under this section shall ever be applied to the support of any library not exclusively under the control of the board of trustees.

Section 3. Section 173.080, Kentucky Revised Statutes, is hereby amended and as amended reads as follows:

173.080 (2801b-9) Issuance of library bonds. The board of trustees may, in its discretion, issue bonds in the sum of not over $1,000,000.00 for the purpose of making improvements or repairs, or paying off any indebtedness it may owe. The bonds may be secured by any or all real or personal property owned by the library. The bonds shall be designated as 'library bonds' and the board of trustees shall, by resolution, fix the date and maturity of the bonds, the rate of interest and form they shall bear, and where they shall be payable. The board shall determine when, at what price and how the bonds shall be sold. As the bonds are sold their proceeds shall be placed in some bank, but shall be kept in a separate

account and shall be used only for the purpose for which the bonds were issued, provided however the expense and cost of floating the bonds may be paid therefrom. The rent received in any year from any real property belonging to the board of trustees shall be first applied to the payment of interest on bonds for such year, and next to the sinking fund requirements of the bond issue for such year, and the balance may be used for current operating expenses of the board of trustees.

Section 4. (Fiscal Year). The fiscal year of the Free Public Libraries in cities of the first class shall begin on the first day of July of each year and end on June 30 next following.

Section 5. (Retirement Plan for Employes). The Board Board of Trustees of the Free Public Libraries in cities of the first class, created or existing under the laws of Kentucky, which have not less than two full-time employes, may provide for their retirement with annuities; may adopt the American Library Association Retirement Plan or make such other provisions for retirement of its employes as the Board deems proper, whether similar to the American Library Association Retirement Plan or otherwise.

Section 6. (Severability). Should any section, subsection, paragraph, sentence, clause, or phrase, of this Act be declared unconstitutional or invalid for any reason, by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate, the remainder of this Act.

Section 7. (Emergency Clause). It appearing that the Free Public Libraries heretofore established in cities of the first class have bonded indebtedness, the interest upon which is due March 1st and September 1st of each year, at which time upon thirty days prior notice, such libraries may call their outstanding bonds; and

Whereas the Board of Trustees of the Free Public Libraries in cities of the first class desire to start work upon improving their real property at the earliest possible moment; and

Whereas it is necessary that this Act be put into effect as speedily as possible to effect such end, an emergency is de-

clared to exist and this Act takes effect upon its passage, and approval by the Governor.

S. B.135. An Act creating an independent school district in any county where a city and county children's home has been established, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any city and county children's home established and maintained in accordance with the provisions of KRS Chapter 201 and the grounds owned or leased and lawfully maintained by the board in connection with said home, shall constitute an independent school district. Any school or schools consisting of the elementary and high school grades maintained in connection with said home shall be recognized as public schools, and they and the teachers and pupils therein shall have all the rights and privileges granted by law relating to public schools, teachers and pupils in independent schools districts. The school district shall be designated and known as the Independent School District of the..... (Name of city) and ..... County Children's Home. The (Name of county) schools maintained in such district and the administration thereof shall be subject to the law governing independent school districts of the state, and the rules and regulations of the State Board of Education relating thereto with the following exceptions:

(a) The Board created and appointed under KRS 201.020 shall serve as the Board of Education for such independent school district.

(b) The Superintendent of the Home appointed and acting under KRS 201.030 shall serve as the Superintendent of Schools for such independent school district.

(c) The schools of such district shall be financed from a portion of the funds derived from taxes levied in accordance with KRS 201.170 and from all such other funds as may be

received for school purposes from state, federal or other sources.

(d) For the purpose of reporting the school census to the Superintendent of Public Instruction, as prescribed by KRS 159.260, all children who have been duly committed or received and who on June 1st of any year are being maintained at said Home, shall be considered as residing in said independent school district on said date.

Whereas, owing to the increased costs of maintenance and education of children, particularly those who are dependent or delinquent, and, whereas, under the law the school census for the purpose of determining the amount of school funds that shall be paid in any school district must be made as of June 1st of each year, an emergency is declared to exist and this Act shall become effective immediately upon passage and approval by the Governor.

S. B. 136. An act authorizing any county in which is located a city of the first class and said city to make and carry out contracts and agreements for the joint acquisition, ownership, and use of city, county governmental building.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions:

"City" includes city or cities.

"City-County Building" includes building or buildings, main or auxiliary or supplementary building or buildings, and includes new or adaption of existing building or buildings, and also includes such land, and all types of interests in land, such equipment, furnishings and facilities and such other real or personal property as is necessary, convenient or desirable for the use and enjoyment of said building or buildings.

"Governmental Purpose" includes the governmental and administrative activities of the city and county proper or either or both and city or county commissions, boards, agencies and instrumentalities and joint city-county commissions, boards, agencies or instrumentalities.

Section 2. In any county of the Commonwealth of Kentucky in which there is located a city of the first class, the said county and said city of the first class are authorized to erect, purchase, lease, condemn or otherwise acquire, keep in repair and improve, own and use a joint city-county building.

Section 3. Said city-county building may be used for any governmental purpose in which either or both the said county and city are engaged.

Section 4. The city through its Legislative body and the county by its Fiscal Court are authorized to make and enter into contracts and agreements to provide for the joint acquisition, ownership and use of such city-county building including but not limited to contracts and agreements providing for the means and method of acquisition of said building, the method of allocation and payment of original cost, cost of repair, upkeep and improvement, cost of maintenance and operation, providing for furnishing employees and personnel necessary or appropriate for the establishment, maintenance, operation and use of said building, and for the control, direction and supervision of said employees and personnel, and such other contract provision not otherwise forbidden by law as may reasonably be in furtherance of the joint ownership and use of said building.

Section 5. Any and all means and methods of securing funds for the acquisition, maintenance, and use of real or personal property of the type included in the term "city-county building" as herein defined, which are now or may hereafter be permitted to be used by the said county or city may be used in securing funds for the acquisition, maintenance and use of said city-county building. Both the city and county and the several commissions, boards, agencies and instrumentalities referred to in the definition of "governmental purpose" in Section 1 are authorized to apply for and accept and use grants-in-aid of such city-county building from the government of the United States or the Commonwealth of Kentucky or any instrumentalities or agencies of either or both; and also to accept private gifts under such terms and conditions as said city and county deem advisable.

Section 6. The authority herein granted is optional and

no provision hereof shall be construed to limit the right of such county or city to own, acquire and use separate buildings for governmental purposes unless otherwise directed by law.

Section 7. This act shall be given a liberal construction in order to further the legislative purpose to grant a broad and flexible authority to said county and said city to secure by their joint action the advantages in efficiency and economy of a city-county building.

S. B. 143. An act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 342.005 of the Kentucky Revised Statutes be and the same is hereby amended and reenacted so that the same, when amended and reenacted, shall read as follows:

§ 342.005 (1) The term "employer" as used in this chapter shall mean and include an individual, partnership, association, corporation or other legal entity, including the legal representatives of a deceased employer, and a receiver or trustee of an individual, partnership, association or corporation or other legal entity. This chapter shall apply to all employers having three or more employees regularly engaged in the same occupation or business, and to their employees, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States: Provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employees for a personal injury sustained by the employee by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident,

nor shall it include the results of a pre-existing disease but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air", and also shall include injuries or death due to the inhalation of any kind of gas and to the disease of silicosis.

(2) a. Every employer subject to the provisions of this chapter and who is engaged in a business or occupation which, by the terms of subsection (3) hereof is defined as "hazardous employment," shall secure, provide and pay compensation to his employees or their dependents under the provisions of this chapter for any personal injury sustained by any of his employees by accident arising out of and in the course of his employment, or for death resulting from such accidental injury.

b. Every employer engaged in a business or occupation defined as "hazardous employment" shall insure and keep insured his liability for said compensation in the manner and under the provisions of subsection (1) of section 342.340 of the Kentucky Revised Statutes, and every such employer shall at the time of becoming subject to the provisions hereof file with the board in substantially the form prescribed by it, and annually thereafter, or as often as the board may deem it necessary, evidence of his compliance with the provisions of this subsection (2) and of subsection (1) of said section 342.340, and all others relating thereto.

c. Where at the time of an injury to an employee the employer of "hazardous employment" has complied with the provisions of subsection (2) of section 342.005 and subsection (1) of 342.340 of the Kentucky Revised Statutes for the payment of compensation under the provisions of this chapter for a personal injury, received by an employee by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two (2) years thereafter, and the employee has accepted compensation under the provisions of this chapter, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of section 324.015 and in section 342.170 of the Kentucky Revised Statutes, be released from all other liabilities.

d. Should any such employer fail to comply with the provisions of this subsection (2) or with any of the provisions of subsection (1) of said section 342.340 then such employer shall not, in any suit at law by an employee or his representative for .personal injury or death by accident arising out of and in the course of his employment be permitted to defend any such suit at law upon the defenses that the employee was guilty of contributory negligence, that the injury was caused by the negligence of a fellow servant of the injured employee and that the employee has assumed the risk of injury, or upon any of said defenses; and in addition thereto such an employer shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one year, or both. Failure of an employer after imposition of the foregoing penalty, to provide for the payment of compensation under this chapter after notice by the board to such employer to do so, shall, as to each such notice be deemed a further violation in respect thereof and the same penalty shall be imposed. If such employer is a corporation, the president or treasurer, or both, shall be liable for such penalty.

e. Every employer subject to the provisions of this subsection (2) shall post and keep posted a notice in such form and in such manner and at such places as the board shall require, stating the fact as to whether or not the employer has provided compensation under the provisions of said subsection in behalf of his employees and stating also that it is optional with his employees to accept compensation as provided for in this chapter, as well as any other matter which the board may deem necessary so that the employee may be advised of his rights relating to the matter of compensation. Any such employer who knowingly violates the provisions hereof or who knowingly posts or keeps posted any notice which states that the employer has provided compensation for his employees when such is not the fact shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment for a period of not less than thirty days nor more than one year, or both.

f. The provisions of this chapter contained in other sections thereof shall be applicable to an employer engaged in a business or occupation herein defined as "hazardous employment", except those provisions of section 342.405 relating to the employer, and the provisions of subsection (2) of section 342.340, subsection (1) of section 342.015, and sections 342.390 and 342.410 of the Kentucky Revised Statutes shall not be applicable to any such employer.

(3) The term "hazardous employment" shall mean and include:

a. All work in or about quarries and mines of all kinds and all operations incidental thereto or connected therewith;

b. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive;

c. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require iron or steel frame work;

d. The operation of all elevators, elevating machinery or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure;

e. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used;

f. All work of construction, operation, alteration or repair where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current;

g. All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes;

h. All work in the construction and repair of tunnels, subways, dams, and viaducts;

i. All work in mills, shops, works, yards, plants and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

(4) Any employer subject to the provisions of this chapter, but not subject to the provisions of subsection (2) of this section, may elect to operate under this chapter under the provisions of section 342.390 of the Kentucky Revised Statutes; and any employers and employees who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employees, may subject themselves thereto by joint, voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

§ 2. That there shall be added to chapter 342 of the Kentucky Revised Statutes a new section to be designated as section 342.995 which, when enacted, shall read as follows:

§ 342.995 The provisions of this act or chapter shall be construed to be severable; and if any of said provisions are held unconstitutional or otherwise invalid, such invalidity shall not affect the operation of the remaining portions thereof. If any of the provisions of section 342.005 of this chapter, shall be held unconstitutional or otherwise invalid, all elections by employers made prior to the passage of this act shall be construed as being in full force and effect to the same extent as though said invalid provisions had not been enacted. Should the provisions of this act be held unconstitutional or otherwise invalid, the period of time intervening between the occurrence of injury to an employee or his death and the determination of invalidity or unconstitutionality shall not be computed as a part of the time limited by law for the commencement of any action relating to such injuries or death; but the amount of any compensation which may have been paid on account of such injury or death shall be deducted from damages recovered on account of such injury or death.

Ordered that said bills be printed and referred.

Mr. Creasey moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Creasey of the Committee on Cities of the Fifth Class.

H. B. 211. An Act relating to compensation for city officers of cities of the fifth class.

By Mr. Gilliam of the Committee on Cities of the Second Class.

H. B. 324. An Act authorizing the establishment in the manner herein provided of civil service for non-instructional employees of the Board of Education in cities of the second class.

With a Committee amendment thereto by way of Substitute therefor.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

S. B. 24. An Act relating to printing, binding, etc., of Kentucky Reports and Advance Sheets.

S. B. 31. An Act to amend KRS; relating to holding of real estate by religious societies.

H. B. 35. An Act to limit the number of hours firemen

of cities of the second class shall be required to be on duty and providing vacation.

H. B. 39. An Act relating to cities of the Fourth Class.

H. B. 121. An act relating to taxation for school purposes.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bills which originated in the Senate be delivered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk of this House deliver said bills which originated in this House to the Senate.

After a time the enrolling Clerk aforesad delivered the original and enrolled copies of said bills duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hilton moved that bill entitled:

H. B. 142. An act relating to Unemployment Compensation.

Be taken from the Clerk's Desk, and recommitted.

To the Committee on Labor.

Said motion was agreed to.

The hour of two o'clock p.m. having arrived, that being the hour for the Special Order of the Day towit: a bill entitled:

H. B. 60. An act to amend and re-enact Sec. 281.190 subsec. (3) KRS.

Mr. Wagner moved that said bill be made a Special Order of Wednesday, February 20 at two o'clock P.M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 150. An act relating to fees and commissions allowed county court clerks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county court clerk, in each county, shall be allowed five per cent commission on the amounts collected for state taxes on legal processes and instruments provided for under Section 142.010, Kentucky Revised Statutes, 1944 (Second Edition), said five per cent commission to be retained by the county clerk on said sums reported to the Department of Finance and paid by the county clerk into the state treasury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

F. H. Bassett, Jr.	E. R. Hilton	Sylvester Phillips
W. G. Biggers	Clyde S. Howard	E. F. Prichard
Jack Bingham	Maurice Howard	Hobart Rayburn
B. J. Bonn	Jerry F. Howell	Kelse H. Risner
J. C. Bradley	J. J. Huff	Amos Runyan
John Y. Brown	Ira W. Hulette	J. W. Simmons
Mrs. Mary Burnett	Paul Jonas	Luther Slusher
Chas. W. Burnley	B. F. Kincaid	Forrest Smith
Alex. H. Calvert	G. O. Kirkpatrick	W. R. Smith
W. K. Coleman	Edgar Kitchen	E. A. Spencer
Fred Creasey	H. K. Lowman	Paul J. Stapleton
S. J. Daugherty	E. J. Lucas	Geo. W. Steinford
L. A. Demumbrun	F. G. Marquette	L. S. Stephens
Adron Doran	E. H. Martin	Ralph G. Stone
G. I. Drury	W. E. McClure	C. W. Taylor
Bernie S. Edlin	Jack McPherron	E. L. Thompson
Eck Embry	Harry L. Moore	Ray G. Tipton
A. H. Eversole	J. L. Moore	E. N. Todd
Henry J. Giles	J. Lee Moore	Walter L. Trivette
Tom Gilliam	Fred Morgan	Harry F. Walters
Otto W. Goff	Rodes K. Myers	Lyle H. Webb
R. M. Hall	J. C. Newcomb	W. W. Webster
C. L. Hammonds	Thos. A. Noe	Morris Weintraub
Harold G. Helm	Louis T. Peniston	Rodney Whitlow

—71

Those who voted in the negative were—

Roy W. Arnold	R. R. Ernst	A. L. Love
F. O. Baker	Kerby Jennings	E. C. Mullins
Ott Begley	Homer E. Losey	

—8

Resolved that the title thereof be as aforesaid.

Mr. Demunbrun moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 182. An act relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In the Kentucky Tax Commission, in making its equalization of the property in any county, causes any increase or decrease to be made in value of any property, the county court clerk shall correct the tax books to comply with the final certification of the assessment by the commission. As compensation for his services, the clerk shall receive three dollars per day for as many days as are necessary to make the corrections but not to exceed a total of ten days. One-half of such amount shall be paid out of the county levy and one-half out of the State Treasury. Such sums shall be paid at the same times and in the same manner as is the clerk's compensation for preparing the tax bills under KRS 133.240 (2).

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	E. R. Hilton
F. O. Baker	L. A. Demumbrun	Maurice Howard
F. H. Bassett, Jr.	G. I. Drury	Jerry F. Howell
Ott Begley	Forest C. Easley	Ira W. Hulette
W. G. Biggers	Bernie S. Edlin	Paul Jonas
Jack Bingham	Eck Embry	B. F. Kincaid
B. J. Bonn	A. H. Eversole	G. O. Kirkpatrick
J. C. Bradley	Henry J. Giles	H. K. Lowman
John Y. Brown	Tom Gilliam	E. J. Lucas
Mrs. Mary Burnett	Otto W. Goff	F. G. Marquette
Chas. W. Burnley	R. M. Hall	E. H. Martin
Alex. H. Calvert	C. L. Hammonds	W. E. McClure
W. K. Coleman	Harold G. Helm	Jack McPherron

Harry L. Moore	Wade H. Riley	C. W. Taylor
Fred Morgan	Kelse H. Risner	E. L. Thompson
E. C. Mullins	Amos Runyan	Ray G. Tipton
John C. Newcomb	J. W. Simmons	E. N. Todd
Thos. A. Noe	Luther Slusher	Walter L. Trivette
Joe E. Nunn	Forrest Smith	Harry F. Walters
Louis T. Peniston	W. R. Smith	Lyle H. Webb
Sylvester Phillips	E. A. Spencer	W. W. Webster
L. W. Preston	Paul J. Stapleton	Geo. J. Weining
E. F. Prichard	Geo. W. Steinford	Morris Weintraub
Hobart Rayburn	L. S. Stephens	—71

Those who voted in the negative were—

Roy W. Arnold	Homer E. Losey	J. L. Moore
Kerby Jennings	A. L. Love	—5

Resolved that the title thereof be as aforesaid.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Maurice Howard moved that a bill entitled:

S. B. 26. An act relating to State Colleges.

Be taken up for immediate consideration from the Clerk's Desk.

Said motion was disagreed to.

Mr. Prichard moved that further consideration of said bill be postponed indefinitely.

Said motion was disagreed to.

Mr. Myers moved that the House do now adjourn.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 73. An Act to amend Sec. 70.560 KRS so as to increase the amounts that may be paid as salaries to members of the county police force in certain counties.

With a Committee Amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 70.560 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal courts of the respective counties shall fix the salaries or compensation of the chief and all other appointees and employes appointed by the county judge in accordance with the provisions of KRS 70.540, provided, however, that no patrolman shall be paid more than $2,400.00 per annum, no captain shall be paid more than $2,700.00 per annum, no assistant chief shall be paid more than $3,000.00 per annum, and no chief shall be paid more than $3,600.00 per annum, which salaries or compensation shall be payable in equal monthly installments out of the county levy, and further provided, that no fees or other compensation shall be paid or allowed to any of the officers or members of said county police force. Provided, however, that the above salaries shall only apply to counties having a population of 70,000 or more inhabitants; that in counties having less than 70,000 inhabitants and more than 25,000 inhabitants the salary of no person appointed under KRS 70.540 shall exceed $1,8000 per annum, and in all other counties no person appointed under KRS 70.540 shall receive a salary in excess of $25 per annum. The fiscal court shall, by order, fix the amount of the salary of all appointees within the limitations herein provided and may within their discretion provide for motor vehicles, stations, sub-stations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the

amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

Said amendment as proposed by the Committee is as follows, viz:

Amend H. B. 73 on page 2, line 15 by striking out the figures "70,000" before the word "or" and following the word "than" both in line 15 on page 2 and substituting therefor the figures "85,000" in each place.

Without objection, said amendment was withdrawn.

Mr. Martin moved the previous question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Chas. W. Burnley	Bernie S. Edlin
F. O. Baker	Alex. H. Calvert	E. R. Ernst
F. H. Bassett, Jr.	W. K. Coleman	Tom Gilliam
Ott Begley	Fred Creasey	Otto W. Goff
W. G. Biggers	S. J. Daugherty	R. M. Hall
B. J. Bonn	L. A. Demumbrun	C. L. Hammonds
John Y. Brown	Adron Doran	Harold G. Helm
Mrs. Mary Burnett	G. I. Drury	E. R. Hilton

Clyde S. Howard	J. L. Moore	Forrest Smith
Maurice Howard	J. Lee Moore	W. R. Smith
Jerry F. Howell	Fred Morgan	E. A. Spencer
J. J. Huff	E. C. Mullins	Paul J. Stapleton
Ira W. Hulette	Rodes K. Myers	Geo. W. Steinford
Kerby Jennings	J. C. Newcomb	L. S. Stephens
Paul Jonas	Thos. A. Noe	Ralph G. Stone
B. F. Kincaid	Joe E. Nunn	E. L. Thompson
Homer E. Losey	Louis T. Peniston	Ray G. Tipton
A. L. Love	Sylvester Phillips	E. N. Todd
E. J. Lucas	L. W. Preston	S. J. Wagner
F. G. Marquette	E. F. Prichard	Geo. J. Weining
E. H. Martin	Wade H. Riley	Morris Weintraub
W. E. McClure	Kelse H. Risner	Lawrence Wells
Jack McPherron	J. W. Simmons	Rodney Whitlow
Harry L. Moore	Luther Slusher	—71

Those who voted in the negative were—

E. R. Denny	G. O. Kirkpatrick	Amos Runyan

—3

Resolved that the title thereof be as aforesaid.

Mr. Martin moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 20, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul S. Staufer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson
Roy W. Arnold
Henry Arrowood
Walter J. Bailey
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
Alex. H. Calvert
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
Mr. Speaker

Mr. Doran moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Runyon moved that Master Walter Trivette, Jr. be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. J. Lee Moore moved that the privilege of the floor be extended to Mrs. Scott Talbott of Winchester.

Said motion was agreed to.

Mr. Walter moved that the privilege of the floor be extended to Mr. and Mrs. J. C. Tichenor.

Said motion was agreed to.

Mr. Stephens moved that the privilege of the floor be extended to Mr. Robert Stone.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Jonas of the Committee on Labor to which the same had been recommitted:

H. B. 142. An Act relating to Unemployment Compensation.

With a Committee Amendment thereto by way of Substitute therefor.

Ordered that said bill be placed in the Orders of the Day.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 46. An Act relating to closing of public offices in cities of certain classes at 1:00 P. M. on Saturday.

By Mr. Coleman of the Committee on Bridges and Ferries.

H. B. 70. An Act transferring balances of funds of toll

free bridges to Sinking Fund of Livermore and Rockport Bridges.

H. B. 317. An Act relating to bridges of cities of the first class.

By Mrs. Burnett of the Committee on Juvenile Courts and Children's Homes.

H. B. 362. An Act relating to eligibility for public assistance.

H. B. 294. An Act relating to users of narcotic drugs.

H. B. 296. An Act making provision for the representation and protection of the rights and interests of minor children, etc.

By Mr. Webster of the Committee on Courts.

H. B. 371. An Act amending Sec. 435.240 (1) KRS.

H. B. 258. An Act relating to quarters, food and lodging of jurors.

H. B. 297. An Act relating to juries with particular reference to the supplying of a deficiency in the grand jury list.

H. B. 203. An Act regulating payment of county commissioners.

H. B. 368. An Act authorizing the fiscal courts to establish a land and building fund.

Without an expression of opinion.

Ordered that said bill be laid on the Clerk's Desk.

H. B. 358. An Act relating to the appointment of personal representatives and amending Sec. 395.015 KRS.

Without an expression of opinion.

Ordered that said bill be laid on the Clerk's Desk.

H. B. 50. An Act relating to the fees of jailers.

Which was reported by the Committee on Courts on February 8 with the expression of opinion that said bill ought not to pass, and which was recommitted to said Committee,

Without an expression of opinion.

Ordered that said bills be laid on the Clerk's Desk.

By Mr. Riley of the Committee on Public Ditches.

H. B. 205. An Act relating to surveyors.

Without an expression of opinion.

Ordered that said bill be laid on the Clerk's Desk.

By Mr. W. R. Smith of the Committee on Judicial Council.

H. B. 270. An Act relating to the circuit court of Jefferson County.

H. B. 293. An Act relating to juries.

With the expression of opinion that said bills ought to pass, with the exception of those specifically set out above.

Said bills were each and severally read at length the first time, with the exception of those specifically set out above, and ordered to be placed on the Calendar.

By Mr. Webster of the Committee on Courts.

H. B. 275. An Act amending Sec. 25,610 KRS pertaining to jurisdiction of justices of the peace.

With the expression of opinion that said bill ought not to pass.

No motion having been made to advance said bill to a reading the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time and so said bill was rejected.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By J. Lee Moore.

H. B. 400. An Act authorizing certain persons to condemn land and rights of way for the purpose of securing a water supply and necessary facilities pertaining thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The owner of real estate serving the public, providing sleeping accommodations and meals, when pure water is not available in adequate quantities shall have the right to condemn on the banks of any navigable stream a tract of land not more than twenty (20) feet square and above the high water mark for a pumping station site and a right-of-way for a pipe line from said site to the deep water of the navigable stream and from said pumping station site to the point on the owner's real estate where the water is desired for use. The said property owner may condemn a right-of-way for an electric power line over the most direct course to the pumping station site.

The provision of the Kentucky Statutes, Sections 381.660, 381.670, and 381.680 shall be complied with except that when the pumping station site and pipe line are located on cliff land and do not cross any tillable land the pumps and pipe may be located above ground.

The procedure for condemnation shall be that set forth in KRS 416.010 to 416.080.

By Mr. J. T. Morgan.

H. B. 401. An act relating to Revenue and Taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context requires otherwise:

(a) "Dealer" shall include every person, firm, corporation or association of persons who manufactures or who imports from any state or foreign country any bottled soft drinks or soft drink syrup as herein defined for distribution, sale, use or consumption in this state and any person, firm, corporation or association of persons who sells, offers for sale, or has in his possession for sale, use, consumption or distribution, any bottled soft drinks or soft drink syrup as herein defined who cannot prove that the tax levied by this Act has been previously paid on the said bottled soft drinks or soft drink syrup as herein defined, or that the payment of said tax has been guaranteed by bond which has been furnished and accepted.

(b) "Commissioner" shall mean the Commissioner of Revenue or his duly authorized representatives.

(c) "Retail selling price" shall mean the ordinary, customary or usual price paid by the consumer for each taxable article sold at retail before the tax levied by this Act has been paid.

(d) "Syrup" or "syrups" shall mean the compound mixture or basic ingredient used in the making, mixing or compounding of soft drinks at soda fountains by the mixing with same or carbonated or plain water, ice, fruit, milk or any other product suitable to make a soft drink, among such syrups being such products as coca-cola syrup, chero-cola syrup, lemon syrup, vanilla syrup, cherry smash syrup, rock candy syrup, simple syrup, nu-grape syrup, Dr. Pepper syrup, or all prepared syrups sold or used for the purpose of mixing soft drinks at soda fountains.

(e) "Stamp" shall mean the impression, device, stamp, label or print manufactured or printed as prescribed by the

Commissioner of Revenue by use of which the tax levied hereunder is paid.

(f) "Crown" shall mean the crown or crowns by the use of which the tax levied hereunder is paid if so authorized by the Commissioner of Revenue.

(g) "Bottled soft drinks" shall include any and all beverages whether carbonated or not, such as soda water, ginger ale, nu-grape, coca-cola, lime-cola, pepsi-cola, Dr. Pepper, fruit juice, milk drinks when any flavoring or syrup is added, cider, cordial, carbonated water, or any and all preparations commonly referred to as soft drinks of whatsoever kind and description which are closed or sealed in glass, metal, paper or any other type of bottle or container. Soft drinks are further defined to include any and all beverages commonly referred to as soft drinks which are manufactured without the use of any syrup. Provided, that the provisions of this Act shall not apply to unadulterated fruit juices in original state.

§ 2. There is hereby levied a tax upon the sale, use, consumption, handling or distribution of all bottled soft drinks as herein defined and all soft drink syrup within this state, as follows:

(a) On bottled soft drinks a tax of one-fourth (1/4c) cent on each five (5c) cents or fractional part thereof of the retail selling price thereof.

(b) On syrups a tax of twenty (20c) cents per gallon and a like or proportionate rate on more or less than a gallon.

(c) No stamp or crown evidencing the tax herein levied shall be of a denomination less than one-fourth (1/4c) cent.

§ 3. In order to enforce the collection of the tax hereby levied, the Commissioner shall design and have printed stamps of such size and denominations as may be determined by the Commissioner, so manufactured as to render the stamps easy to be glued and attached to containers of taxable articles subject to tax according to this Act; that the stamps shall be affixed by the dealer on the smallest containers that will be handled, sold, used, consumed or distributed to the consumer, to permit the Commissioner to readily ascertain by an inspec-

tion of any dealer's stock on hand whether or not said tax has been paid as provided in this Act.

(a) Stamps required to be affixed by the provisions of this Act shall be fixed in such manner that their removal will require continued application of steam or water and shall be cancelled by placing thereon the permit number of said dealer.

(b) All soft drink tax stamps shall be purchased from and sold by the Commissioner. Any person other than the Commissioner who sells soft drink tax stamps, not affixed to taxable articles, whether the said stamps be genuine or counterfeit, shall be guilty of a felony and punishable as set out in Section 9 of this Act.

(c) Tax crowns may be used in lieu of stamps.

(1) The Department of Revenue may, in its discretion, prescribe that bottled soft drinks taxes be collected by means of tax crowns of such distinctive design as it may prescribe, in lieu of stamps required or by means of both crowns and stamps used as prescribed, or as may be directed by regulation.

(2) If the department authorizes and requires the use of tax crowns, no dealer shall possess any bottled soft drinks not having affixed to it the appropriate crown or stamp required, except for export from the state.

(3) If the department orders the use of crowns, it shall devise and enforce by regulation means whereby the manufacturer of the crowns shall make bond in favor of the state in an amount approved by the department, conditioned that the manufacturer will not sell or deliver the crowns to any person except on written approval of the department, and that in all other respects the manufacturer will faithfully safeguard the handling and distribution of the crowns so that the revenues of the state may be fully protected.

§ 4. (a) It is the intent and purpose of this Act to levy an excise tax on all bottled soft drinks and syrup, as defined in this Act, when sold, used, consumed, handled or distributed in this State and to collect same from the dealer who first distributes, sells, uses, consumes or handles the same in this State. When a dealer gives away bottled soft drinks or syrup

for advertising or any other purpose whatsoever the same shall be taxed in the same manner as if it were sold, used, consumed, handled or distributed in this State.

(b) It is further the intent and purpose of this Act to require all manufacturers and dealers in bottled soft drinks to affix either soft drink tax stamps or soft drink tax crowns if authorized by the Commissioner to each individual bottle of soft drinks sold, used, consumed, handled or distributed, and when the said stamps or crowns are so affixed they shall be evidence of the payment of the tax provided herein. That in the event the manufacturers of bottled drinks either within or without the State of Kentucky shall use the soft drink tax crowns as herein provided for, then and in such event, said manufacturer shall be relieved of the duty of stamping each individual bottle.

(c) It is further the intent and purpose of this Act to exempt from the tax levied herein:

(1) Unadulterated fruit juices in their original state;

(2) Milk drinks sold direct to school children on school premises, or sold through a school organization to school children on school premises;

(3) All bottled milk drinks which contain more than fifty percent (50%) by volume of fluid milk.

§ 5. Every person in this state who sells or is about to engage in the business of a dealer in any or all of the article or articles taxed hereunder shall first apply to and obtain from the Commissioner a permit or permits and shall obtain a separate permit for each place of business of such dealer; and shall pay to the Commissioner a fee of Five ($5.00) Dollars for each permit. "Place of business" as used in this section is construed to include the place where orders are received, or where articles taxed under this Act are sold, or if sold upon a railroad train or on or from any other vehicle, the vehicle on which or from which such taxable articles are sold shall constitute a place of business.

The Commissioner, after notice and opportunity to be heard, under regulation to be made by him, may revoke the permits of any wholesale dealer or any retail dealer for violation of this Act, or for willful or persistent violation of regu-

lations made under this Act. No new permit shall be issued to any one whose permit has been revoked except in the discretion of the Commissioner.

§ 6. Every dealer in this State shall immediately after receipt of any unstamped syrup or any bottled soft drinks, unless sooner offered for sale, cause the same to have the requisite denominations and amount of stamps or stamps to represent the tax affixed as stated herein, and to cause same to be cancelled by writing or stamping across the face of each stamp the permit number of each dealer. The stamping of said unstamped syrup or bottled soft drinks shall actually begin within one (1) hour after receipt of syrup or bottled soft drinks in the premises of the dealer, and stamping shall be continued with reasonable diligence by the dealer until all of the unstamped taxable articles have been stamped and the stamps cancelled as provided by law. Provided, that each and every dealer in syrup and bottled soft drinks in this State shall furnish to the Department of Revenue who is charged with the duty of collecting the tax levied by this Act, a bond in the minimum amount of One Thousand ($1,000.00) Dollars, guaranteeing the payment of all taxes and penalties levied by this Act, said bond to be executed by a surety company duly qualified to do business in this State. That the tenor, solvency and maximum amount of said bond shall be satisfactory to the Commissioner, the maximum amount of said bond to depend upon the volume of business of the wholesale dealer and must be in an amount sufficient in the discretion of the Commissioner to guarantee the State against any and all losses for taxes and penalties levied by the provisions of this Act.

Each bond submitted to the Commissioner must be accompanied by a power of attorney of the agent executing the bond for the surety company, together with a certificate which evidences the fact that the power of attorney was in force and effect as of the date the bond was executed.

The Department of Revenue may promulgate rules and regulations pertaining to the replacement of the taxpaid on taxable articles shipped beyond the borders of the State.

Every dealer shall, at the time of shipping or delivering any articles taxable under this Act, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable article and the dealer shall retain the same subject to the use and inspection of the Department of Revenue for a period of two (2) years. Dealers shall also keep a record of purchases of all articles taxable under this Act purchased by them, and hold all books, records and memoranda pertaining to the purchase and sale of such articles open to the inspection of the Department of Revenue for a period of two (2) years.

§ 7. Whenever any of the articles taxed in this Act are found in the possession of any dealer or any other person without the stamps affixed and cancelled, except as may be provided by rules and regulations, the prima facie presumption shall be that such articles are kept in violation of the provisions of this Act. Dealers shall keep a record of purchases of all syrups and bottled soft drinks purchased by them and all simple syrup made, compounded or manufactured by them, and shall hold all books, records and memoranda pertaining to purchase, sale or manufacture of such taxable articles open to the inspection of the Commissioner or his duly authorized agents, for a period of two (2) years.

Every retail dealer in taxable articles as set out in this Act purchasing or receiving any taxable articles from without the State, whether the same shall have been ordered through a wholesale dealer or jobber within this State or by drop shipment, or otherwise, shall within twenty-four (24) hours after receipt of same, mail a duplicate invoice of all such purchases, or receipts to the Department of Revenue. Failure to furnish such duplicate invoice as required shall be deemed a misdemeanor and punishable as set out in Section 9 of this Act.

§ 8. The Department of Revenue shall collect, supervise and enforce the collection of all taxes and penalties that may be due under the provisions of this Act, and to that end the Department is hereby vested with all the power and authority conferred by this Act.

The Department of Revenue may promulgate rules and regulations to provide for the collection of the amount of tax due on all bottled soft drinks and syrup taxable under the provisions of this Act in possession of dealers, on the effective date of this Act, so as to prevent any bottled soft drinks and syrup being sold within this State without the tax herein provided for being paid.

§ 9. Any person violating any provision of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars.

Any person violating subsection (b) of section three of this Act shall be imprisoned for not less than one nor more than five years, in addition to being punished by fine.

By Mr. C. W. Anderson.

H. B. 402. An act relating to salaries of school teachers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.150 of the Kentucky Revised Statutes is amended to read as follows:

Each school district shall pay its teachers according to a salary schedule based on training, quality of service, experience, and such other items as the State Board of Education approves, and without discrimination due to race, sex, or level of instruction. For the purposes of this section, "quality of service" means only extra school service or activities and responsibilities outside of regular class periods. Factors extraneous to school activities shall not be used in calculating teachers' salaries. A copy of the salary schedule prepared by each district board shall be filed with the State Board of Education. In case a district board is not able to pay all of its teachers the minimum salary provided in this section, the State Board of Education may approve a salary schedule for that board authorizing the payment of salaries below the minimum provided in this section. No teacher regularly employed in the public schools shall receive a salary of less than seventy-five dollars per month if the revenue

received by the district from the state per capita plus one-half of the revenue received from local taxation will produce sufficient revenue to pay such salary for a period of seven months to elementary teachers and a period of eight months to high school teachers, allowing one teacher for each forty census pupils in the district.

By Mr. Anderson.

H. B. 403. An act relating to Elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (1) of Section 118.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) No candidate who has been defeated for the nomination for any office in a primary election, except a candidate for judge of the Court of Appeals, shall have his name printed on the ballot in the succeeding regular election as a candidate for the same office for the nomination to which he was a candidate in the primary election, except that if a vacancy occurs in the party nomination for which he was a candidate in the primary election his name may be printed on the ballot for the regular election as a candidate of that party if he has been duly made such party nominee after the vacancy occurs as provided in KRS 119.020.

§ 2. Subsection (4) of Section 119.020 of the Kentucky Revised Statutes is amended to read as follows:

(4) This chapter does not apply to candidates for circuit judges, subdistrict school trustees, members of boards of education, members of the legislative bodies of cities of the fifth and sixth class, or presidential electors, nor to candidates for mayor, police judge or commissioner in cities of the second or fourth class operating under the commission form of government and in cities of the second, third or fourth class operating under the city manager form of government.

§ 3. Section 119.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of KRS 119.050 do not apply to candidates for judge of the Court of Appeals. For such judicial position any eligible person may become or be proposed as a candidate for nomination by any and every political party having a ticket to be voted for in the district for which the office is to be filled, but such persons shall not be required to seek such nomination or nominations nor to make a declaration of party loyalty or support, and as a requirement for such nomination shall not be required to have registered as affiliated with any political party or to have registered at all as a voter. The nomination or nominations may be proposed for an eligible candidate either by resolution of the proper committee, or by the application to two reputable electors, of any political party whose nomination is sought. The resolution or application shall be filed as provided by KRS 119.080 for other nomination papers. The name of a candidate shall not be placed upon the ballot if, before the preparation of the ballots, he files with the officer with whom the nomination papers were filed a written objection, signed and sworn to by him.

(2) The name of a successful candidate in the primary for nomination or nominations for such judicial office shall appear on the ballot at the regular election under the device of as many political parties as have nominated the candidate. He may appear thereon by petition of voters, or otherwise as may be permitted by law, and at the regular election shall be entitled to the total of the votes that he receives on the ballot.

(3) Before any successful candidate for such judicial nomination or nominations shall be given his certificate or certificates of nomination, he shall file with the county clerk of the county in which he resides a statement that during the campaign for the nomination or nominations he did not, and while a candidate for the office will not, knowingly violate any election law or any law relating to corrupt and fraudulent practice in campaigns or elections in this state, and if elected will qualify for the office.

(4) Nothing in this section shall prevent any political party from offering a candidate for election for such judicial

office under the device of the party, if the governing authority of the party in the district affected so orders.

§ 4. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

Candidates for judge of the circuit court shall be nominated only by petition as provided in KRS 118.080, except that such petitions shall not designate any name or title of the party or principle that the candidate represents, or any figure or device by which such candidate will be designated on the ballots.

§ 5. Section 118.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4), (5), (6) and (7) of this section, the county clerk of each county shall cause to be printed on one ballot the names of all candidates of his jurisdiction who have been properly nominated for any office specified in the ballot and whose nominations have not been withdrawn as provided in KRS 118.160. All nominations of any party or group of petitioners shall be printed under the title and device designated by them in their certificate or petition, or if none is designated, under some suitable title and device. If the same device for designating candidates is selected by two parties or groups of petitioners it shall be given to the one that first selected it, and the clerk shall select a suitable device for the other.

(2) Except as provided in subsections (4), (5), (6) and (7) of this section, the ballots shall in general conform, as nearly as practicable, to the following plan:

(a) The lists of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State directs, precedence being given to the party that polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be enclosed in a square, but immediately under the device shall be placed a circle one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name

or title shall be placed the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the cross mark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name. If upon any ticket there is no candidate for a designated office, a blank space equal to the space that would be occupied by the name of a candidate for that office shall be left.

(b) At the top of all official ballots to be used in any primary, general or special election in any county, and separated from it by a perforated line, shall be a stub, containing the consecutive number of the ballot and a space for the name, residence and registration number of the voter, and at the bottom of said ballot there shall be a secondary stub, separated from it by a perforated line, and said secondary stub shall contain the consecutive number of the ballot and a space for the name, residence and registration number of the voter.

(c) On the back shall be printed "Official Ballot," the date of the election and a facsimile of the signature of the clerk who has caused the ballot to be printed. There shall also be printed on the back of the ballot a blank line followed by the word "Clerk" and a blank line followed by the word "Judge".

(d) The ballots shall be bound, with attached stubs, into books, one for each voting precinct. Upon the covers of the books shall be printed the designation of the precinct for which the ballots have been prepared, and on the inside of one of the covers shall be printed the form prescribed in subsection (2) of KRS 118.410.

(3) Whenever a Constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of the measure shall be clearly indicated upon the ballot, with two spaces upon the right, one for votes favoring the measure to be designated by the word "Yes," and one for votes opposing the measure to be designated by the word "No."

(4) When there are offices or public questions that are to be voted for by only a portion of the voters in any precinct, as in the case of city elections where the city wards or election units are not coextensive with the precinct boundaries, the names of the candidates for such offices and such public questions shall be printed on separate ballots, which shall conform as nearly as practicable with the provisions of this section. Separate ballots shall also be printed for public questions when specifically required by the law providing for the submission of the questions.

(5) The ballots in elections for members of boards of education shall be prepared as provided in KRS 160.220 and 160.230.

(6) The names of candidates of the several political parties and organizations for electors of President, and Vice President of the United States shall not be printed on the ballots, but in lieu thereof, immediately under the party name or device of each party in the column of its candidates on the official ballot, there shall be printed within a bracket the name of the candidate for President and the name of the candidate for Vice President of such party, with a square to the right of the bracket. The placing of a cross within the square to the right of the bracket enclosing the names of candidates for President and Vice President, or in the circle at the head of the column of such party, shall not be deemed and taken as a direct vote for such candidates for President and Vice President, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party as provided in KRS 118.090.

(7) The names of candidates for judge of the circuit court shall be printed on separate ballots, which shall conform as nearly as practicable with the provisions of this section, except that the names of the candidates shall be listed in alphabetical order without any party or other emblems or devices.

By Mr. Peniston.

H. B. 404. An act conferring certain powers upon cities of the fourth class with respect to flood control.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any city of the fourth class may acquire, by contract, lease, purchase, gift, condemnation, or otherwise, any real or personal property necessary for flood control, and may erect, operate, and maintain on such property buildings and equipment necessary and proper to accomplish such purpose.

§ 2. When any city of the fourth class desires to acquire land for flood control purposes, and is unable to acquire the same by agreement, the legislative body of the city shall adopt a resolution ordering the condemnation of the required land, which resolution shall give a general description of the land and the name or names of the owners, if known, and shall direct the city attorney to institute the proceedings. The city attorney shall file a petition for condemnation in the county court in the name of the city, and shall attach to the petition as an Exhibit a certified copy of the resolution of the legislative body. The resolution shall be prima facie evidence of the public use and necessity for the condemnation. Thereafter the proceedings shall as provided in KS 416.020 to 416.080.

§ 3. (1) If in any year, the legislative body of any city of the fourth class deems it necessary to incur any indebtedness for the purpose of flood control which cannot be paid without exceeding the income and revenue provided for the city for that year, an indebtedness may be incurred, and bonds issued therefor, and a tax levied to pay the same, pursuant to the authority and under the provisions of KRS 66.070.

§ 4. Any city of the fourth class may accept financial or other aid from the United States Government for the acquisition, construction, maintenance and operation of a flood wall or walls, and shall have power by its legislative body to pass any and all resolutions and ordinances necessary and proper to an acceptance of this aid.

§ 5. Whereas, immediate means to secure protection from floods is essential for the welfare of cities of the fourth

class, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Messrs. Lowman, Mullins, Brown, and McClure.

H. B. 405. An act relating to teachers' retirement.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsections (10) and (11) of Section 161.220 of the Kentucky Revised Statutes are amended to read as follows:

161.220 (10). "*Annual Salary,*" shall mean the average annual salary which the member has received for his services as a teacher in the public schools of Kentucky for five (5) years or for as many years if less than five (5), prior to July 1, 1941, except that any salary which exceeds $2000.00 shall be considered $2000.00; and during the five (5) years or for as many years if less than five (5) years, immediately preceding retirement by reason of superannuation or disability, except that any salary which exceeds $2000.00 in any year prior to the effective date of this Act shall be considered $2000.00 and any salary for any year subsequent to the effective date of this Act which shall exceed $2400.00 shall be considered $2400.00.

161.220 (11). "*Annual Compensation,*" means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the public schools of Kentucky during a given fiscal year before any deductions, except that any such compensation that exceeds $2400.00 shall be considered as $2400.00 only.

Sec. 2. A new section of the Teachers' Retirement Law is created to read and be numbered as follows:

161.515 (1) For the purposes of this section, "Out-of-State service" shall mean service in any other state in a comparable position, which would be covered if in Kentucky.

(2) (a) After a teacher has been a member of the retirement system for at least one full scholastic year, he may

present for credit service rendered out-of-state subsequent to July 1, 1940, not to exceed eight such years actually taught as a certified or licensed teacher, provided such member pays to the retirement system the amount he would have paid had he been teaching in Kentucky and in addition thereto 3% compound interest on each annual contribution from the last day of the scholastic year in which the service was rendered to date of payment to the retirement system. For each year for which the retirement system shall accept the contribution and interest, one year of subsequent service credit shall be given, excepting that for the year 1940-41 prior service credit shall be given. Not more than eight years may be contributed for under this section.

(b) For each such year so paid for and for any additional years for which contributions have been paid currently, not to exceed eight years in all, any member of the retirement system may offer bona fide out-of-state service for credit as prior service but not a greater number of years than the number for which contributions are paid, and in no case more than eight years of service prior to July 1, 1940.

(c) All such service, both subsequent and prior, shall be certified to by the member and verified according to KRS, 161.480 and 161.490. Appropriate forms for this purpose shall be furnished by the Board of Trustees and used by the member making application. After additional out-of-state service credit has been granted under this section, the member receiving such service credit shall return his retirement certificate to the Board of Trustees and the secretary of the retirement system shall enter threon, with the approval of the Board of Trustees, the additional credit allowed any such member.

(3) Nothing in this section shall be construed to permit a member of the Kentucky Retirement System to leave the profession in Kentucky to teach in another state and during such service or upon return to teaching in the schools of Kentucky apply for the validation of such subsequent service under the provisions of this section.

(4) It is further provided that certificated teachers employed in, entering upon or transferring to service in the

noneducational State Institutions of Kentucky under the direction of the Department of Welfare as teachers or as supervisors of instruction may upon request to the Board of Trustees come into or continue in membership and pay their retirement contributions under such rules and regulations as said Board of Trustees may adopt not inconsistent with the Retirement Act for the payment of said contributions.

Sec. 3. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

161.540. *Member's contribution.* Each member whose age on the first day of any current scholastic year is less than thirty (30) years shall contribute to the retirement system 2% of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty (30) years and less than forty (40) years shall contribute to the retirement system 3% of his annual compensation. Each member whose age is forty (40) years or more on the first day of any current scholastic year shall contribute to the retirement system 4 % of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation and no contribution shall be made on the excess of annual compensation over $2400.00.

Sec. 4. Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

161.620. *Retirement Allowances.* (1) The retirement allowance of a member retiring for superannuation whose age of retirement is seventy (70) years or over shall be one per cent (1%) of his average annual prior service salary for each year of prior service and one and one-half per cent (1½%) of his average annual subsequent service salary for each year of subsequent service. The retirement allowance of a member retiring for superannuation whose age at time of retirement is sixty (60) years and less than seventy (70) years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy (70) will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the Sys-

tem. The retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy (70). Said factors shall be determined by the actuary of the retirement system and approved by the Board of Trustees.

(2) For any member retiring on or after July 1, 1946, no retirement allowance shall be greater than one-half of the member's average annual salary, nor greater than $1200.00.

(3) Effective July 1, 1946, and including living retired members and members who retire subsequently, no retirement allowance shall be less than $100.00 for twenty (20) years or less of service credit plus $10.00 per service credit year in excess of twenty (20) years, but such total minimum allowance shall not be more than $30.00 per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Sec. 5. Section 161.660 of the Kentucky Revised Statutes is amended to read as follows:

Sec. 161.660. *Disability Allowance.* Any member, after he has attained the age of fifty (50), but before he has attained the age of sixty (60) years who has completed twenty (20) years of accredited service in the public schools of the State of Kentucky, five (5) of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance to be paid from the funds of the retirement system. The disability allowance of each member retiring for disability shall be calculated in the same manner as the allowance for a superannuated member, excepting and providing for the factor used in final determination of the annuity shall be the factor corresponding to age 60 and not the factor corresponding to age at retirement. The same minimum and maximum provisions as apply for members retiring for superannuation shall apply in all cases of retirement for disability.

Sec. 6. In addition to the budgetary appropriation for the Teachers' Retirement System of the State of Kentucky, there is hereby appropriated to the Teachers' Retirement Fund, out of any unappropriated funds in State Treasury, not to exceed $68,000.00 for the year 1946-47 and not to exceed

$68,000.00 for the year 1947-48, or as much thereof as may be necessary, for the purpose of carrying out the provisions of these foregoing amendments by the Teachers' Retirement System.

Sec. 7. This Act shall take effect on July 1, 1946.

By Mr. Weining.

H. B. 406. An act entitled an act authorizing cities of the first class to provide public liability insurance for the police and fire departments and the members thereof; etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Cities of the first class may, by ordinance of the Legislative body of such cities, provide public liability insurance for the regular police department and the members thereof and for the regular fire department and the members thereof, for the indemnity of such members of police and fire departments as hereinbefore stated against any claims for damages resulting from the operation or use of any motor vehicles, machine, apparatus or equipment of such departments arising from the use and operation of same in any activity within the usual and normal prescribed duties or purposes of such departments.

§ 2. Such public liability insurance may be contracted for the coverage of individuals of the departments, or it may be contracted on a group plan for the coverage of all members of such departments, and such cities shall pay for the premiums on such insurance out of the General funds of such cities.

§ 3. All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. W. R. Smith.

H. B. 407. An act relating to water districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 74.120, Kentucky Revised Statutes, 1944 edition, of Chapter 74 be amended and reenacted by striking out all of Section 74.120 and repealing same, and inserting as Chapter 74, Section 74.120, so it shall read as follows:

"The Board of Water Commissioners as soon as duly appointed and qualified may levy a tax of not more than twenty-five cents upon each one hundred dollars of assessed valuation of property within the district to be used for the purpose of defraying the cost of hydrant rental. This tax shall be certified to the Fiscal Court of the various counties and by them to the respective treasurers of their counties. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and the same provisions concerning the nonpayment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill following the levy of the tax by the Board of Directors, and shall be collected concurrently with the state and county taxes. Neither the county tax commissioner nor the county clerk shall be entitled to any additional compensation for services rendered in connection with the listing of the property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

Section 2. All acts in conflict are hereby repealed.

By Messrs. Howell, Preston, J. L. Moore, Doran, and Clyde Howard.

H. B. 408. An act providing for a Judiciary Building, and making an appropriation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of any cash balance that may exist in the State Treasury to the credit of the General Expenditure Fund at the end of the fiscal year end-

ing June 30, 1947, the sum of $300,000.00, and out of any cash balance that may exist in the State Treasury to the credit of the General Expenditure Fund at the end of the fiscal year ending June 30, 1948, the sum of $300,000.00, these sums to be used for capital outlay in construction and equipping a suitable building to accommodate the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library. If as much as $300,000.00 does not remain on hand at the end of either of the fiscal years herein mentioned, so much as does remain on hand is hereby appropriated at the end of the fiscal year ending June 30, 1947, an additional amount equal to the difference between the amount then appropriated and $300,000.00 shall be appropriated at the end of the fiscal year ending June 30, 1948, in addition to the $300,000.00 already provided to be appropriated at that time.

§ 2. The appropriations made by Section 1 of this Act shall be expended by and under the direction of a Judiciary Building Commission, which is hereby created, consisting of the Governor, the Attorney General, and the Chief Justice of the Court of Appeals. Said Commission is authorized and empowered to adopt plans and specifications for the construction and equipping of a Judiciary Building, as it may deem best and most suitable for the accommodation of the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library. The building shall be erected upon the grounds now owned by the state immediately south of the New State Capitol, the exact site to be selected by the commission. After plans and specifications have been adopted by the commission, it shall advertise for sealed proposals for the work, or any part thereof, and the work shall be awarded to the lowest and best bidder, due regard being had to the responsibility of the bidder. No contract shall provide for the payment, in any one fiscal year, of an amount exceeding the amount available for that year from the appropriation above made, but any unexpended or unencumbered balance remaining at the end of a fiscal year shall not lapse to the General Expenditure Fund but may be encumbered and expended in a following year. Every contractor shall be required to execute bond conditioned for the faithful perform-

ance of his contract, with surety to be approved by the commission. The commission may employ an architect and a superintendent of the building, and fix the compensation thereof. Copies of all contracts made by the commission shall be filed with the Department of Finance. Warrants for the expenditure shall be issued by the Commissioner of Finance upon order of the commission.

By Mr. Stapleton.

H. Res. 86. A resolution authorizing Chester Wright to sue the Commonwealth of Kentucky and or the State Highway Department.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky that:

1. Chester Wright is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owners caused by reason of the construction of the new road, bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $1450.00.

3. In the event any judgment is recovered by the said Chester Wright or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of the general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this resolution shall be considered by either the Court or Jury as substantive evidence on the

merits of the alleged damages, and the Court shall instruct the jury that the Resolution authorizing the suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies by reason of the construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

By Mr. Stapleton.

H. Res. 87. A resolution authorizing Mrs. Clyde Smith to sue the Commonwealth of Kentucky and/or the State Highway Department.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky That:

1. Mrs. Clyde Smith is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owner caused by reason of the construction of the new road, and bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $4,225.00.

3. In the event any judgment is recovered by the said Mrs. Clyde Smith or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this Resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, and the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies by reason of the construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

By Mr. Stapleton.

H. Res. 88. A resolution authorizing Floyd Siry to sue the Commonwealth of Kentucky and/or the State Highway Department.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky that:

1. Floyd Siry is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owner caused by reason of the construction of the new road, bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $640.00.

3. In the event any judgment is recovered by the said Floyd Siry or any compromise agreement or settlement is made, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of the general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The statute

of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this Resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, and the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies by reason of the construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

By Mr. Stapleton.

H. Res. 89. A resolution authorizing Stephen A. Sheanshang to sue the Commonwealth of Kentucky and/or the State Highway Department.

Said resolution is as follows, viz:

Be it resolved by General Assembly of the Commonwealth of Kentucky that:

1. Stephen A. Sheanshang is hereby empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and/or State Highway Commission, or either or both of them in the Campbell Circuit Court for the purpose of determining the extent, if any, of the damages resulting to the property of the owner caused by reason of the construction of the new road, bridge and fill aforesaid, if any there be.

2. Said suit shall be for a sum not to exceed $13,990.

3. In the event any judgment is recovered by the said Stephen A. Sheanshang or any compromise agreement or settlement is made same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer of the Commonwealth of Kentucky and paid out of the general fund.

4. Either party to such suit may appeal from any judgment which may be entered in said action as in any other civil suit, and such case may be settled, compromise or adjusted with the consent and approval of the Attorney General of Kentucky in the same manner as any other suit. The

statute of limitations shall not commence to run against the cause of action herein described until the passage of this resolution.

Nothing contained in this Resolution shall be considered by either the Court or Jury as substantive evidence on the merits of the alleged damages, the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky or any of its agencies, of any damage done on the part of the Commonwealth of Kentucky or any of its agencies by reason of construction of said road and fill, nor as an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said bills and resolutions be printed and referred.

Mr. Whitlow moved that a resolution entitled:

H. Res. 28. Resolution providing for the payment of the per diem of the late J. T. Linton.

Which was reported by the Committee on Claims without an expression of opinion, and laid on the Clerk's Desk.

Be taken from the Clerk's Desk and advanced to a reading.

Said motion was agreed to.

Thereupon said resolution was read at length the first time and ordered to be placed on the Calendar.

Mr. Howell offered the following resolution, viz:

H. Res. 90. An concurrent resolution relating to the time of adjournment.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That when the House of Representatives and the Senate adjourn on Thursday, February 21, 1946, they do adjourn until 8:00 p. m. on Monday, February 25, 1946.

Said resolution was adopted.

Mr. Myers moved that a bill entitled:

H. B. 224. An act relating to services, rights, etc., to be made available to customers of mercantile establishments.

Be taken from the hands of the Committee on Ways and Means and advanced to a reading.

Said motion was disagreed to.

Mr. Myers moved that the House do now be at ease for ten minutes.

Mr. J. Lee Moore moved that the House do now recess for thirty minutes.

Said last named motion was disagreed to.

Said motion as made by Mr. Myers was then disagreed to.

Mr. J. L. Moore moved that the House do now recess for forty minutes.

Said motion was agreed to.

And then the House recessed.

Forty minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Biggers moved that a song by The Honorable E. C. Mullins entitled "Home on the Range" be spread upon the Journal of the House, that said song be dedicated to The

Honorable Wilson Wyatt, Federal Housing Administrator and that a copy thereof be transmitted by the Chief Clerk of the House to Mr. Wyatt.

Said motion was agreed to.

Said song is as follows, viz:

SONG OF THE HOUSE HUNTERS
(Tune: "Home On The Range")
(Words by E. C. Mullins)

1. Oh, Give a home! Where the howling dogs roam,
And the rats and the little mice play;
Where the hoot owl is heard as the nightly song bird,
And the skies are smoke-covered all day.

Refrain: Home, home any where!
In city, or country, or town;
An attic or shack on the alley way back,
Or a tent, or a cave under ground.

2. Oh, Give me a house for me and my spouse!
No children, no pets do we own,—
No radio set, no pipe nor cigaret,
And we speak in a whispering tone.

3. A house without doors, or windows or floors—,
A garage, or a barn, or a store—
No water, light, heat; no chair for a seat—
For a bed, just a mat on the floor.

4. A house small or large, on a flat boat or barge—
In a tree, or a drifting balloon;
Where waters are high, or deserts are dry,
On the earth, or the face of the moon.

5. We'll lease, rent or buy without batting an eye,
And the cash in advance gladly pay;
No matter what price—we'll double it twice—
By the year, or the month, or the day.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 31. An Act to repeal Sec. 89.090 KRS and to enact in lieu thereof an Act providing for the manner of holding primary and regular elections in third class cities.

S. B. 123. An Act relating to ad valorem taxation of the right to receive income, etc.

H. B. 285. An Act authorizing the imposition by cities and counties, of an excise tax upon the use, sale or distribution of distilled spirits, etc.

S. B. 57. An Act to amend Sec. 423.020 KRS entitled "Notaries Public and Commissioners of Foreign Deeds," Chapter 423.

H. B. 196. An Act relating to fiscal courts.

H. B. 130. An Act requiring cities and taxing districts other than those wherein real estate is required to be recorded to keep a record of all tax bills and special assessments for public improvements in the office of the County Clerk, etc.

H. B. 331. An Act relating to elections.

H. B. 180. An Act relating to purgation of voters.

H. Res. 35. Resolution authorizing Morgan Wireman to sue the Commonwealth.

H. Res. 38. Resolution authorizing Mrs. Mary K. Gumm to sue the Commonwealth.

H. Res. 64. Resolution appropriating from the General Expenditure Fund, the sum of $404, for payment to Roy Dunn, ex-jailer of Madison County.

H. Res. 66. Resolution authorizing Johnny Runner to sue the Commonwealth.

H. Res. 67. Resolution authorizing Oscar H. Forster to sue the Commonwealth.

H. Res. 74. Resolution authorizing A. B. Boyd to sue the Commonwealth.

H. B. 322. An Act relating to condemnation of property in cities of the second class.

With a Committee Amendment thereto.

H. B. 361. An Act relating to county deetctives for juvenile and divorce investigations in certain counties.

H. B. 299. An Act relating to the annexation or reduction of territory by cities of the second class, etc.

With a Committee Amendment thereto by way of Substitute therefor.

H. B. 237. An Act relating to water districts amending Sec. 74.240 KRS.

H. B. 336. An Act relating to sheriffs.

H. B. 325. An Act relating to stenographers to the Commonwealth's Attorney.

H. B. 306. An Act to amend and re-enact Sec. 94.160 KRS.

H. B. 313. An Act to amend Sec. 92.020 KRS.

H. B. 329. An Act to amend and re-enact Sec. 28.450 and 28.460 KRS.

H. B. 259. An Act relating to hospital service corporations.

H. B. 211. An Act relating to compensation for city officers of cities of the fifth class.

H. B. 324. An Act authorizing the establishment in the manner herein provided of civil service for non-instructional employees of Board of Education in cities of the second class.

With a Committee amendment thereto by way of Substitute therefor.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having beeen dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported to this House, as follows, viz:

S. B. 23. To Committee on Ways and Means.

H. Res. 85. To Committee on Appropriations.

The hour of two o'clock p. m. having arrived, that being the hour for the Special Order of the Day, towit: a bill entitled:

H. B. 60. An Act to amend and re-enact Sec. 281.190 subsec. (3) KRS.

With a Committee Amendment thereto heretofore adopted. (See House Journal of February 18)

The House took up for consideration said Special Order.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Section 281.190, Subsection (3) be and the same is hereby amended and reenacted so that when amended and reenacted the same will read as follows:

If any person holding a certificate over any public highway in this state between fixed termini or over a regular route fails to begin operation under the certificate on said line for a period of sixty days, or abandons operation thereunder, or fails to pay the renewal fees therefor for a period of thirty days ater the due date thereof, or fails to keep the required insurance on file and in force, such certificate shall be and become null and void, and an order to that effect shall forthwith be entered on the records of the Division of Motor Transportation. Provided, however that the Division of Motor Transportation may, for good cause shown, grant stays of operation authorizing any person holding a certificate to begin operations under the certificate after the expiration of the sixty day period or to abandon such operations temporarily or to extend the time for payment of fees, and provided, further, no certificate shall be revoked without notice to the certificate holder and without a hearing pursuant to the provisions of KRS 281.130.

Mr. Wagner offered the following amendment to said bill, viz:

Amend H. B. 60 on page 2 by adding at the end of the printed bill the following:

Where the holder of any such certificate over which operations have not been commenced or have been suspended fails or refuses at any time there is a need for services over such certificated route, and the failure to provide such service is not beyond the control of the certificate holder, then upon application the Director of Motor Transportation may grant a certificate to another applicant and may cancel the certificate of the holder.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Tom Gilliam	J. C. Newcomb
Henry Arrowood	M. B. Gilligan	Louis T. Peniston
F. O. Baker	R. M. Hall	Sylvester Phillips
Harold L. Barnes	C. L. Hammonds	L. W. Preston
F. H. Bassett, Jr.	Harold G. Helm	E. F. Prichard
Ott Begley	E. R. Hilton	Hobart Rayburn
W. G. Biggers	Jerry F. Howell	Wade H. Riley
Jack Bingham	J. J. Huff	Kelse H. Risner
B. J. Bonn	Ira W. Hulette	Amos Runyan
J. C. Bradley	Paul Jonas	J. W. Simmons
Mrs. Mary Burnett	L. H. Jones	Luther Slusher
Chas. W. Burnley	G. O. Kirkpatrick	Forrest Smith
Alex. H. Calvert	Edgar Kitchen	W. R. Smith
W. K. Coleman	Homer E. Losey	Paul J. Stapleton
Fred Creasey	A. L. Love	Geo. W. Steinford
S. J. Daugherty	H. K. Lowman	L. S. Stephens
L. A. Demumbrun	E. J. Lucas	Ralph G. Stone
E. R. Denny	Ed Marcum	C. W. Taylor
Adron Doran	F. G. Marquette	E. L. Thompson
G. I. Drury	E. H. Martin	Ray G. Tipton
Forest C. Easley	Jack McPherron	E. N. Todd
Bernie S. Edlin	Harry L. Moore	Walter L. Trivette
Eck Embry	J. L. Moore	S. J. Wagner
R. R. Ernst	J. Lee Moore	Harry F. Walters
A. H. Eversole	Joe T. Morgan	W. W. Webster
Henry J. Giles	E. C. Mullins	Rodney Whitlow

—78

Resolved that the title thereof be as aforesaid.

Mr. Wagner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Bingham moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. Bingham.

H. B. 409. An Act relating to old age assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The county judge shall be county administrator of state old age assistance granted under KRS 205.010 to 205.080. He shall investigate and settle complaints from his county relating to old age assistance grants, and shall be furnished any requested information by the State Department of Welfare relating to old age assistance.

By Mr. Runyon.

H. B. 410. An Act authorizing the establishment and erection of memorials in honor of veterans of World War II.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every county in this Commonwealth is authorized to make provision for the establishment or erection of a memorial or memorial building to commemorate the sacrifices of its citizens serving in the armed forces of the United States during World War II.

(2) Every city in this Commonwealth is likewise so authorized. Such city shall not be required to locate such memorial within the city.

(3) Every city and every county are authorized to undertake the establishment or erection of such memorial jointly, and to share the expense thereof in such proportions as may be agreed upon between the governing bodies of the city and county.

(4) Cities and counties are authorized to make appropriations for such purposes out of the current revenues, subject to revenue limitations.

(5) Every county is authorized to issue bonds for such purpose when approved by the voters of the county in the manner provided by Kentucky Revised Statutes 66.040, and connected sections.

(6) Every city is authorized to issue bonds for such purpose when approved by the voters of the city in the manner provided by Kentucky Revised Statutes 66.050 to 66.060 and 66.070, and related sections applicable to the class to which such city belongs.

(7) The establishment, erection and operation of such memorial shall be managed and controlled by a commission, which shall consist of not less than three nor more than seven persons.

(8) Such commission shall be appointed by the mayor of the city, with the concurrence of the smallest legislative body, where the city undertakes the project; and shall be appointed by the county judge, with the concurrence of the fiscal court, where the county undertakes the project; and where both undertake the project, the commission may be so appointed by the joint action of the city and the county.

(9) Where the city or the county has undertaken such project and has appointed a commission, the city or county thereafter undertaking support of same is authorized to accept the commission already appointed.

(10) Each member of the commission so appointed shall qualify by taking the oath of office, and by giving bond to the Commonwealth of Kentucky for the faithful performance of

such office, and such bond shall be approved by the fiscal court or one legislative body of the city.

(11) Vacancies shall be filled by the remaining members of the commission; and the members of the commission shall hold office for four years and until their successors are selected and qualified.

(12) Such commission shall constitute a corporation, which shall be known as "Memorial Commission of———"; and in such corporate name may sue and be sued, be contracted with, acquire real and personal property by gift, purchase or condemnation; and may do all other things which may be reasonably necessary to fully carry out the work; and may employ such assistants and officers as may be reasonably necessary to enable it to carry out its purpose.

(13) The governing authority naming such commission shall have power further to define the nature of the work to be undertaken, the duties and responsibilities of the commission and of its members and employes, and the manner and amount by which they are to be compensated, either by general direction or by specific definition.

By Mr. Losey.

H. B. 411. An Act relating to teachers' certificates.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 161.150, Kentucky Revised Statutes, be and the same is hereby repealed and re-enacted so that when so repealed and re-enacted it will read as follows:

Each school district shall pay its teachers according to a salary schedule based on training, quality of service, experience and such other items as the State Board of Education approves. A copy of the salary schedule prepared by each district board shall be filed with the State Board of Education. No teacher regularly employed in the public schools shall receive a salary of less than one hundred dollars per month.

By Mr. Kincaid.

H. B. 412. An Act relating to members of police and fire departments in cities of the second and third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 95.440 of the Kentucky Revised Statutes is amended to read as follows:

(2) Each member of the police or fire department in cities of the second and third classes shall be a qualified voter of the city, able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire departments unless he is a man of sobriety and integrity, and is and has been an orderly, law-abiding citizen. In a city of the second class no person shall be appointed a member of either of such departments if he is over fifty years of age.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 138. An Act relating to rural electric cooperative corporations.

With a Committee Amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 279.110 of the Kentucky Revised Statutes is amended to read as follows:

Any corporation created under this chapter shall have the power:

(a) To sue and be sued in its corporate name;

(b) To have perpetual existence;

(c) To adopt corporate seal and alter the same;

(d) To generate, manufacture, purchase, acquire, accumulate, and transmit electric energy, and to distribute, sell, supply, and dispose of electric energy to its members, governmental agencies, and political subdivisions, and to other persons to the extent of not more than twenty-five (25%) per cent of its gross income;

(e) To assist persons to whom electric energy is or will be supplied by any Corporation created under this chapter in wiring their premises and in acquiring and installing electrical and plumbing appliances, equipment, fixtures and apparatus by the financing thereof, or otherwise, and in connection therewith to wire, or cause to be wired, such premises, and to purchase, acquire, lease, as lessor or lessee, sell, distribute, install and repair such electric, and plumbing appliances, equipment, fixtures and apparatus;

(f) To assist persons to whom electric energy is or will be supplied by any Corporation organized under this chapter in constructing, equipping, maintaining and operating electric cold storage or processing plants, by the financing thereof or otherwise;

(g) To construct, purchase, lease as lessee, or otherwise acquire, and to equip, maintain, and operate and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants; electric cold storage or processing plants, lands, buildings, structures, dams, plants and equipment, and any other real or personal property, tangible or intangible, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which any corporation organized under this chapter is organized;

(h) To purchase, lease as lessee, or otherwise acquire, and to use and exercise, and to sell, assign, convey, mortgage, pledge, or otherwise dispose of or encumber, franchises, rights, privileges, licenses and easements;

(i) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness, and to secure the payment thereof by mortgage,

pledge, or deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income;

(j) To construct, own, lease, operate and control any facilities, across, along or under, any street or public highway, and over any lands belonging to this State or any county, city, or political sub-division of this State, but shall restore any such street or highway to its former condition, as nearly as possible, and shall not use it in such a manner as to impair, unnecessarily, its usefulness;

(k) To exercise the power of eminent domain in the manner provided by Kentucky Revised Statutes 416.010 to 416.080;

(l) To become a member of other cooperatives or corporations or to own stock therein;

(m) To conduct its business and exercise its power within or without the Commonwealth;

(n) To adopt, amend, and repeal by-laws; and

(o) To do and perform any other acts and things, and to have and exercise any other powers which may be necessary, convenient or appropriate to accomplish the purpose for which any corporation created under this chapter is organized.

Section 2. Section 279.120 of the Kentucky Revised Statutes is repealed.

Section 3. Section 279.130 (1) of the Kentucky Revised Statutes is amended to read as follows:

1. Any corporation formed under this chapter may issue its obligations and pledge its future revenues for the payment thereof. The obligations may be in the form of bonds, notes, debentures, interim certificates or other evidences of indebtedness. The obligations shall be authorized by resolution of the board of directors. The resolution of the board shall fix the dates of issuance and maturity, the rate and time of payment of interest, the denominations, the form (either coupon or registered), the registration privileges, the manner of execution; the place and medium of payment, and the terms of redemption, but the period of maturity shall not exceed fifty

years, or the rate of interest of six per cent, and the obligations shall not be made redeemable at more than par and accrued interest.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 279.110 of the Kentucky Revised Statutes is amended to read as follows:

Any corporation created under this chapter shall have the power:

(a) To sue and be sued in its corporate name;

(b) To have perpetual existence;

(c) To adopt corporate seal and alter the same;

(d) To generate, manufacture, purchase, acquire, accumulate, and transmit electric energy, and to distribute, sell, supply, and dispose of electric energy to its members, governmental agencies, and political subdivisions, and to other persons to the extent of not more than twenty-five (25%) per cent of its gross income;

(e) To assist persons to whom electric energy is or will be supplied by any Corporation created under this chapter in wiring their premises and in acquiring and installing electrical appliances, equipment, fixtures and apparatus by the financing thereof, or otherwise, and in connection therewith to wire, or cause to be wired, such premises, and to purchase, acquire, lease, as lessor or lessee, sell, distribute, install and repair such electric appliances, equipment, fixtures and apparatus;

(f) To construct, purchase, lease as lessee, or otherwise acquire, and to equip, maintain, and operate and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants; lands, buildings, structures, dams, plants and equipment, and any other real or personal property, tangible or intangible, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the corporation is organized;

(g) To purchase, lease, as lessee, or otherwise, acquire,

and to use and exercise, and to sell, assign, convey, mortgage, pledge, or otherwise dispose of or encumber, franchises, rights, privileges, licenses and easements;

(h) To borrow money and otherwise contract indebtedness, and to issue notes, bonds, and other evidences of indebtedness, and to secure the payment thereof by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income;

(i) To construct, own, lease, operate and control any facilities, across, along or under, any street or public highway, and over any lands belonging to this State or any county, city, or political subdivision of this State, but shall restore any such street or highway to its former condition, as nearly as possible, and shall not use it in such a manner as to impair, unnecessarily, its usefulness;

(j) To exercise the power of eminent domain in the manner provided by Kentucky Revised Statutes 416.010 to 416.080;

(k) To become a member of other rural electric cooperative corporations or to own stock therein;

(l) To conduct its business and exercise its power within or without the Commonwealth;

(m) To adopt, amend, and repeal by-laws; and

(n) To do and perform any other acts and things, and to have and exercise any other powers which may be necessary, convenient or appropriate to accomplish the purpose for which any corporation created under this chapter is organized.

§ 2. Section 279.120 of the Kentucky Revised Statutes is repealed.

§ 3. Section 279.130 (1) of the Kentucky Revised Statutes is amended to read as follows:

1. Any corporation formed under this chapter may issue its obligations and pledge its future revenues for the payment thereof. The obligations may be in the form of bonds, notes, debentures, interim certificates or other evidences of indebtedness. The obligations shall be authorized by resolution of the board of directors. The resolution of the board shall fix

the dates of issuance and maturity, the rate and time of payment of interest, the denominations, the form (either coupon or registered), the registration privileges, the manner of execution; the place and medium of payment, and the terms of redemption, but the period of maturity shall not exceed fifty years, or the rate of interest of six per cent, and the obligations shall not be made redeemable at more than par and accrued interest.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Bernie S. Edlin	H. K. Lowman
Henry Arrowood	Henry J. Giles	E. J. Lucas
F. O. Baker	Tom Gilliam	Ed Marcum
Harold L. Barnes	Otto W. Goff	F. G. Marquette
F. H. Bassett, Jr.	C. L. Hammonds	E. H. Martin
Ott Begley	Harold G. Helm	W. E. McClure
W. G. Biggers	E. R. Hilton	Jack McPherron
Jack Bingham	Clyde S. Howard	Harry L. Moore
B. J. Bonn	Maurice Howard	J. L. Moore
J. C. Bradley	Jerry F. Howell	J. Lee Moore
John Y. Brown	J. J. Huff	Fred Morgan
Mrs. Mary Burnett	Ira W. Hulette	Joe T. Morgan
Chas. W. Burnley	W. H. Hunt	E. C. Mullins
Alex. H. Calvert	Kerby Jennings	Rodes K. Myers
Fred Creasey	Paul Jonas	J. C. Newcomb
S. J. Daugherty	G. O. Kirkpatrick	Thos. A. Noe
Adron Doran	Homer E. Losey	Joe E. Nunn
G. I. Drury	A. L. Love	Louis T. Peniston

Sylvester Phillips	Forrest Smith	Ray G. Tipton
L. W. Preston	W. R. Smith	E. N. Todd
E. F. Prichard	E. A. Spencer	Walter L. Trivette
Hobart Rayburn	Paul J. Stapleton	Lyle H. Webb
Kelse H. Risner	L. S. Stephens	W. W. Webster
Amos Runyan	Ralph G. Stone	Morris Weintraub
J. W. Simmons	C. W. Taylor	Lawrence Wells
Luther Slusher	E. L. Thompson	Rodney Whitlow

—78

Resolved that the title thereof be as amended.

Mr. Risner moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the Rules of this House be suspended and that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 202. An Act relating to legislative research, audits, and studies; establishing a legislative research committee of the General Assembly, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is created a Legislative Research Committee of the General Assembly of the Commonwealth of Kentucky. The committee shall consist of the Speaker of the House of Representatives and the President of the Senate, who shall be co-chairman of the Committee, and eight members of the House and eight members of the Senate. Such members shall be selected and appointed according to rules of House and Senate for the appointment of committees, from the various congressional districts of the State with not more than one member from each house from any one district. The members of the Committee shall be selected so that the political party representation on the Committee shall be so nearly as possible in the same proportion as the political party representation

in the House of Representatives and the Senate. Ten members of the Committee shall constitute a quorum for the purpose of doing business.

2. Except as otherwise herein provided the members of the Committee shall hold office until the next regular session of the General Assembly at which time and at each succeeding regular session of the General Assembly the membership of said Committee shall be appointed in the manner provided in Section 1 hereof. A vacancy on the Committee from either House shall be filled as provided for in Section 1 hereof. Any cause which results in a member of the committee ceasing to be a member of the General Assembly shall create a vacancy in the membership of such person on the Committee. Any cause which would create a vacancy in the office of the Speaker of the House or of the President of the Senate shall likewise create a vacancy in his office as co-chairman of the committee. In the case of such vacancy, the members of the committee shall select a co-chairman from among their membership for the remainder of the term.

3. The committee and sub-committees, as may be established by the Committee, shall meet during the interim between sessions of the General Assembly once each month at the State Capitol, unless otherwise directed by the co-chairmen or the committee, beginning in April on the second Monday thereof, following the close of the pending session of the General Assembly, and on the second Monday every month thereafter. Any regular meeting shall continue for three days unless extended by a vote of the committee. Special interim meetings of the committee may be held at the call of the co-chairmen, or upon the request of fifty percent of the members of the committee either co-chairman shall call a special meeting. For attending meetings between sessions of the General Assembly, the members of the committee, or sub-committees, shall be paid their necessary traveling expenses, and shall be allowed and paid ten dollars for each day they are in attendance on the committee or sub-committees, for lodging, meals and other incidental expenses.

4. The Legislative Research Committee is authorized and empowered to make or have made for the benefit of the General Assembly research, studies and audits of or pertain-

ing to any subject, relating to State Government, which may be legally considered or acted upon by the legislative branch of State Government. The committee shall make, or have made by its research staff, such research, studies and audits and make such recommendations to the General Assembly as it deems advisable to eliminate waste and overlapping functions, to institute economies, and to promote efficiency in all divisions of State Government and to promote the general welfare of the populace in all divisions of public service, and to provide ways and means of financing the Commonwealth upon a more scientific, economical and equitable basis. The committee shall gather budget information for the use of the General Assembly and make such other studies and gather such other information pertaining to any subject that may be considered by the General Assembly, or as in its discretion may be useful to the General Assembly. The committee shall, by letter under the signature of the co-chairmen, request and invite each member of the respective Houses of the General Assembly to submit proposed studies for the research staff in the interim period. The committee shall through it research staff make available to the members of the General Assembly its findings and recommendations, accompanied with such reports and drafts of legislation as it deems necessary for the information of and consideration by the General Assembly and shall submit its findings on proposed budget matters to the membership of the two Houses for consideration.

5. The committee shall employ such skilled and professional assistants and office personnel and contract for such services as it deems necessary in the performance of its duties and the accomplishment of the purpose of this Act. All employments and contracts for services and the compensation to be paid therefor shall have the approval of a majority of the committee. None of the provisions of Sections 42.110, 42.120, and 42.130 KRS shall be applicable to the employees or employment herein provided for. The committee shall supervise and provide for the allocation of the work and activities of all employees of the committee and any subcommittees thereof.

During the regular or any special session of the General Assembly the research staff and personnel as provided for in this Section shall be at the disposal of the members of the General Assembly as prescribed by the rules of the House and Senate.

Office space for the Legislative Research committee shall consist of the House and Senate chambers and rooms used by the General Assembly while in session and such other space as the committee may deem necessary.

6. Any person employed under Section 5 of this Act, when authorized in writing by the co-chairmen of the committee, or by the committee, may require information on oath of any person touching any matter which he is instructed to investigate, study or audit, and shall have power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence on any matter under study. If any person fails or refuses to testify or furnish documentary evidence concerning any matter with respect to which the committee desires information pertinent to the studies in which it is engaged, the Franklin Circuit Court, on application of the committee, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify therein. Any person having such written authority from the co-chairmen of the committee or authority from the committee, shall have access to all records of every branch, agency, division or department of the State Government, and of any agency, public or private, which has been the recipient of public funds, useful for the full and complete performance of the duties assigned to such person by the committee.

Each witness who is subpoenaed or required to give evidence under this section, other than a State officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in circuit court, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness and approved by the co-chairmen of the committee.

7. The editorial staff of the Statutes Revision Commission, upon request of the committee, shall assist in the draft-

ing of such proposed legislation as the committee desires to be prepared.

8. The committee may establish such sub-committees as may be convenient or desirable for the proper and efficient performance of its functions. The co-chairmen of the committee, subject to the approval of the committee, may appoint any member of the House or Senate as a temporary exofficio member of any sub-committee, to assist in research, study or audit of any subject, and such exofficio member so appointed shall, while acting in said capacity, be allowed and paid expenses in the same manner as provided for members of the Committee in Section 3 hereof.

9. The co-chairmen of the Legislative Research Committee may at any time during any fiscal year, requisition any part or all of the sums appropriated for legislative research for such year. The Department of Finance, upon receiving such requisitions, shall issue its warrant upon the State Treasury for the amount requisitioned.

The State Treasurer shall issue his checks payable to such co-chairmen jointly in their official capacity for the amounts requisitioned. Upon receipt of such checks, the co-chairmen shall cause the amount thereof to be deposited in some solvent bank or banks of this State. Before making such deposits the bank or banks shall be required to execute a bond with good surety to be approved by the co-chairmen of the Committee. The co-chairmen of the committee shall execute a joint bond with an incorporated surety authorized to do surety business in the State of Kentucky in a penal sum equal to the largest amount that may be in their hands at any one time; the premiums on such bonds to be paid out of the appropriations made for legislative research. Such bond shall be a covenant to the Commonwealth of Kentucky from the principals and surety that the principals will faithfully discharge their duties.

At the expiration of three months from the beginning of each fiscal year, all balances of appropriations and requisitioned funds for the previous fiscal year not encumbered prior to the end of the previous fiscal year shall lapse to the General Fund and the co-chairmen of the Legislative Research

Committee shall issue their check to the State Treasurer for the amount on deposit to their credit that has lapsed by virtue of this section.

10. Disbursements from the funds placed on deposit pursuant to Section 9 of this Act shall be made only upon checks signed by the co-chairmen of the Legislative Research Committee. The Legislative Research Committee shall cause a report to be made to the General Assembly at each regular session, on or before the tenth day of the session, containing an itemized statement of all disbursements of the funds expended under this Act.

11. Sections 7.010 to 7.080 of the Kentucky Revised Statutes are repealed.

12. If any section or provision of this Act shall be held unconstitutional, or invalid for any reason, it shall not affect the validity of the Act as a whole, or any other section or provision thereof.

13. There is hereby appropriated out of the General Fund for legislative research, for the balance of the fiscal year 1945-1946, the sum of $25,000.

14. WHEREAS, the consideration of post-war problems makes it necessary and essential that the research studies and audits provided for by this Act be undertaken immediately and the work of said committee and its research staff be made available at the earliest date possible, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Howell offered the following amendments to said bill, viz.:

1. Amend H. B. 202 on page 1 and 2, section 1, line 2 to 14 by striking that part of lines 2 to 14 beginning with the words "the Committee" in line 2 and ending with the word "business" in line 14 and inserting in lieu thereof the following:

The committee shall consist of three members of the House of Representatives and three members of the Senate, who shall be selected and appointed as follows: Two members of the House of Representatives shall be nominated at a

caucus of the members of the House of Representatives who belong to the political party having the largest representation in the House of Representatives, and one member of the House of Representatives who belong to the political party having the second largest representation in the House of Representatives. The Speaker of the House of Representatives shall appoint to the committee the persons so nominated. Two members of the Senate shall be nominated at a caucus of the members of the Senate who belong to the political party having the largest representation in the Senate, and one member of the Senate shall be nominated at a caucus of the members of the Senate who belong to the political party having the second largest representation in the Senate. The President of the Senate shall appoint to the committee the persons so nominated. The members so appointed shall meet forthwith following their appointment and select from among their membership a chairman of the committee. Four members of the committee shall constitute a quorum for the purpose of doing business. Any vacancy on the committee from the House of Representatives shall be filled by appointment by the Speaker of the House, and any vacancy on the committee from the Senate shall be filled by appointment by the President of the Senate.

2. Amend H. B. 202 on page 5, section 8 lines 1 to 9 by striking all of lines 1 to 9 inclusive, of sec. 8.

3. Amend H. B. 202 on page 2, 3 and 4 section 3 and 5 by striking the following words from the following lines; "and sub-committees, as may be established by the Committee," from lines 1 and 2 of Section 2. "or sub-committees" from lines 12 and 13 of Section 3, and from line 15 of section 3. "and any sub-committees thereof" from line 10 of Sec. 5.

4. Amend H. B. 202 on pages 2, 3, 4, 5 and 6 sec. 3, 4, 5, 6, 8, 9 and 10 by striking the word "co-chairman" in the following places, to-wit:

Line 4 of sec. 3
Line 9 of sec. 3
Line 2 of sec. 6
Lines 13 and 14 of sec. 6

Line 24 of sec. 6
Line 1 of sec. 9
Line 8 of sec. 9
Line 3 of sec. 10

and substituting in lieu thereof the word "chairman" and by striking the words "either co-chairman" in lines 10 and 11 of sec. 3 and inserting in lieu thereof the words "the chairman."

5. Amend H. B. 202 on page 6 sec. 9, lines 6 and 7 by striking the words "such co-chairman" jointly in their official capacity" and inserting in lieu thereof the words "the chairman in his official capacity."

6. Amend H. B. 202 on page 6, sec. 9 lines 12 to 15 by striking that part of lines 12 to 15 beginning with the words "The co-chairman" in line 12 and ending with the word "time" in line 15 and inserting in lieu thereof the following:

"The chairman of the committee shall execute bond with an incorporate surety authority to do surety business in the state of Kentucky in a penal sum equal to the largest amount that may be in his hands at any one time."

7. Amend H. B. 202 on page 6, sec. 9 lines 23 and 24 by striking that part of lines 23 and 24 beginning with the word "co-chairman" in line 23 and ending with the word "check" in line 24, and inserting in lieu thereof the following: "chairman of the Legislative Research Committee shall issue his check."

8. Amend H. B. 202 on page 2, section 2 line 9 to 14 by striking that part of lines 9 to 14 beginning with the words "Any cause" in line 9 and ending with the word "term" in line 14.

9. Amend H. B. 202 on page 3, sec. 4 lines 17 to 20 by striking that part of lines 17 to 20 beginning with the words "The committee" in line 17 and ending with the word "period" in line 20, and inserting in lieu thereof the following:

"The Governor, any member of the General Assembly, and any declared candidate for membership in the General Assembly may submit to the committee proposed studies for the research staff in the interim period."

Said amendments were each and severally agreed to.

Mr. Howell moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	L. W. Preston
F. O. Baker	Jerry F. Howell	E. F. Prichard
Harold L. Barnes	Ira W. Hulette	Kelse H. Risner
F. H. Bassett, Jr.	Kerby Jennings	Amos Runyan
W. G. Biggers	Paul Jonas	J. W. Simmons
B. J. Bonn	B. F. Kincaid	Luther Slusher
J. C. Bradley	Edgar Kitchen	Forrest Smith
John Y. Brown	A. L. Love	W. R. Smith
Mrs. Mary Burnett	H. K. Lowman	Paul J. Stapleton
Chas. W. Burnley	F. G. Marquette	Geo. W. Steinford
Alex. H. Calvert	E. H. Martin	Ralph G. Stone
W. K. Coleman	W. E. McClure	E. L. Thompson
S. J. Daugherty	Jack McPherron	E. N. Todd
Adron Doran	J. L. Moore	Walter L. Trivette
G. I. Drury	J. Lee Moore	S. J. Wagner
Forest C. Easley	Fred Morgan	Harry F. Walters
Henry J. Giles	E. C. Mullins	W. W. Webster
Tom Gilliam	Rodes K. Myers	Geo. J. Weining
M. B. Gilligan	J. C. Newcomb	Morris Weintraub
Otto W. Goff	Thos. A. Noe	Rodney Whitlow
R. M. Hall	Joe E. Nunn	Mr. Speaker
E. R. Hilton	Louis T. Peniston	

—65

Those who voted in the negative were—

C. W. Anderson	A. H. Eversole	Harry L. Moore
Henry Arrowood	C. L. Hammonds	Joe T. Morgan
Ott Begley	Harold G. Helm	Sylvester Phillips
Jack Bingham	Maurice Howard	Hobart Rayburn
B. K. Brantley	J. J. Huff	Wade H. Riley
Fred Creasey	W. H. Hunt	E. A. Spencer
L. A. Demumbrun	L. H. Jones	L. S. Stephens
E. R. Denny	G. O. Kirkpatrick	C. W. Taylor
Bernie S. Edlin	Homer E. Losey	Ray G. Tipton
Eck Embry	E. J. Lucas	Lyle H. Webb
R. R. Ernst	Ed Marcum	Lawrence Wells

—33

Messrs. Prichard and Myers offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 202 by adding thereto: "This Act shall be known and cited as the 'Harry Lee Waterfield Research Bill.'"

Said amendment was agreed to.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Love moved that the Rules of this House be suspended for the purpose of permitting Committee to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Todd of the Committee on Roads and Highways No. 1.

H. B. 265. An Act relating to county road employees, etc.

H. B. 350. An Act relating to county road engineers.

By Mr. Jonas of the Committee on Labor.

H. B. 89. An Act relating to the use of metal welding apparatus.

With a Committee Amendment thereto.

By Mr. Morgan of the Committee on Compensation for Industrial Injuries.

H. B. 341. An Act to amend Chapter 342 KRS relating to workmen's compensation.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 321. An Act pertaining to motor carriers and providing for a tax on registration fee.

By Mr. Creasy of the Committee on Public Utilities.

S. B. 48. An Act amending Sec. 95.570, 96.580 and 96.600 KRS and repealing all other acts and parts of acts, etc.

With Committee Amendments thereto, and with the expression of opinion that said bill ought to pass.

With a Minority Report thereto.

Said Minority Report is as follows, viz.:

The Minority of the Committee on Public Utilities have had under consideration S. B. 48 and report the same with the expression of opinion that said bill ought not to pass.

A. L. Love
Frank Bassett
Fred H. Morgan
Kelse H. Risner

Mr. Love moved that the report of the Minority be substituted for the Committee Report.

Mr. J. Lee Moore moved that said motion be laid on the table.

Said motion was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	F. G. Marquette	J. W. Simmons
Harold L. Barnes	J. Lee Moore	Forrest Smith
F. H. Bassett, Jr.	Fred Morgan	C. W. Taylor
B. J. Bonn	E. C. Mullins	E. L. Thompson
J. C. Bradley	Thos. A. Noe	Walter L. Trivette
Chas. W. Burnley	Joe E. Nunn	Geo. J. Weining
S. J. Daugherty	E. F. Prichard	Lawrence Wells
Adron Doran	Wade H. Riley	Rodney Whitlow
Kerby Jennings	Kelse H. Risner	Mr. Speaker
A. L. Love	Amos Runyan	—29

Those who voted in the negative were—

Henry Arrowood	Otto W. Goff	Jack McPherron
Ott Begley	R. M. Hall	Harry L. Moore
W. G. Biggers	C. L. Hammonds	J. L. Moore
Jack Bingham	Harold G. Helm	Joe T. Morgan
B. K. Brantley	Maurice Howard	Rodes K. Myers
John Y. Brown	Jerry F. Howell	J. C. Newcomb
Alex. H. Calvert	J. J. Huff	Louis T. Peniston
Fred Creasey	Ira W. Hulette	Sylvester Phillips
L. A. Demumbrun	Paul Jonas	Hobart Rayburn
E. R. Denny	L. H. Jones	W. R. Smith
G. I. Drury	B. F. Kincaid	E. A. Spencer
Forest C. Easley	G. O. Kirkpatrick	Paul J. Stapleton
Bernie S. Edlin	Edgar Kitchen	Geo. W. Steinford
Eck Embry	H. K. Lowman	Ray G. Tipton
R. R. Ernst	Ed Marcum	E. N. Todd
A. H. Eversole	E. H. Martin	S. J. Wagner
Henry J. Giles	W. E. McClure	Lyle H. Webb
Tom Gilliam		—52

The motion as made by Mr. Love was then disagreed to.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	A. L. Love	J. W. Simmons
Roy W. Arnold	F. G. Marquette	Forrest Smith
F. O. Baker	J. Lee Moore	Ralph G. Stone
Harold L. Barnes	Fred Morgan	C. W. Taylor
F. H. Bassett, Jr.	E. C. Mullins	E. L. Thompson
B. J. Bonn	Thos. A. Noe	Walter L. Trivette
J. C. Bradley	Joe E. Nunn	W. W. Webster
Chas. W. Burnley	L. W. Preston	Geo. J. Weining
S. J. Daugherty	E. F. Prichard	Lawrence Wells
Adron Doran	Wade H. Riley	Rodney Whitlow
E. R. Hilton	Kelse H. Risner	Mr. Speaker
Kerby Jennings	Amos Runyan	—35

Those who voted in the negative were—

Henry Arrowood	R. M. Hall	J. L. Moore
Ott Begley	C. L. Hammonds	Joe T. Morgan
W. G. Biggers	Harold G. Helm	Rodes K. Myers
Jack Bingham	Jerry F. Howell	J. C. Newcomb
B. K. Brantley	J. J. Huff	Louis T. Peniston
John Y. Brown	Ira W. Hulette	Sylvester Phillips
Alex. H. Calvert	W. H. Hunt	Hobart Rayburn
Fred Creasey	Paul Jonas	W. R. Smith
L. A. Demumbrun	L. H. Jones	E. A. Spencer
E. R. Denny	B. F. Kincaid	Paul J. Stapleton
G. I. Drury	G. O. Kirkpatrick	Geo. W. Steinford
Forest C. Easley	Edgar Kitchen	L. S. Stephens
Bernie S. Edlin	H. K. Lowman	Ray G. Tipton
Eck Embry	E. J. Lucas	E. N. Todd
R. R. Ernst	Ed Marcum	S. J. Wagner
A. H. Eversole	E. H. Martin	Harry F. Walters
Henry J. Giles	W. E. McClure	Lyle H. Webb
Tom Gilliam	Jack McPherron	—53

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

By Mr. Preston of the Committee on Roads and Highways No. 2.

H. B. 2. An Act relating to county roads.

With a Committee amendment thereto by way of Substitute therefore.

By Mr. Gilliam of the Committee on Cities of the Second Class.

H. B. 352. An Act relating to deputy clerks.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Myers moved that the House do now agree to resolve itself into a Committee of the Whole House on Tuesday evening, February 26 at seven o'clock for the purpose of hearing proponents and opponents on the merits and demerits of S. B. 48.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which originated in this House entitled:

H. Res. 24. Resolution authorizing the payment of witness claim allowed by the Pulaski Circuit Court to Charles Hamilton.

H. Res. 69. Resolution designating Miller-Horton Hall of the Morehead State Teachers College in honor of the late Len Miller and "Buck" Horton.

Ordered that said resolutions be delivered to the Enrolling clerk of this House.

And that they had passed bills and resolutions which originated in that body, entitled:

S. B. 37. An Act transferring balances of funds of toll free bridges to Sinking Fund of Livermore and Rockport Bridges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Commissioner of Highways, Commissioner of Finance and the State Treasurer are hereby authorized and directed to transfer to the Highway Bridge Bond Sinking Fund Accounts of the Livermore and Rockport Bridges in equal proportions, the balances in the Highway Bridge Bonds Sinking Fund Accounts, on the following projects, which have become toll free and on which the outstanding bonds have been paid or called for payment:

Project No. 1, which are Boonesboro, Burnside, Canton, Eggner's Ferry, Paducah, Smithland, Spottsville and Tyrone Bridges; Project No. 2, which is the Maysville-Aberdeen bridge; Project No. 9, which is the Paducah-Brookport bridge; Project No. 10, which is the Newport-Cincinnati bridge; Project No. 11, which is the Calhoun-Rumsey bridge; Project No. 12, which is the Covington-Cincinnati bridge; Project No. 14, which is the Catlettsburg-Kenova bridge.

(2) Such balances hereby authorized and directed to be transferred shall be used for the payment and retirement of the revenue bonds of the Commonwealth of Kentucky outstanding against the bridge projects to which transferred.

(3) Any outstanding ticket coupons on the named projects heretofore freed and on which balances are transferred hereby shall be redeemed from the State Road Fund.

S. B. 51. An Act relating to bonds of state officers and employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the statutes is created, to be numbered KRS 62.160 and to read as follows:

The state officers elected by the voters of the state at large (except the Governor and Lieutenant Governor), the heads of statutory administrative departments of the state government, the Adjutant General, the Director of the Division of Banking, the Director of the Division of Insurance, the Director of the Division of Motor Transportation, the Director of the Division of Game and Fish, the Executive Director of the Unemployment Compensation Commissioner, the members of the Public Service Commission (other than the Chairman, who will give bond as Commissioner of Business Regulation), the members of the State Fair Board, Kentucky Aeronautics Commission, and Game and Fish Commission, and the associate members of the State Tax Commission and the Alcoholic Beverage Control Board, shall each give bond. The amounts of the bonds shall be fixed by the Governor, which amounts as to those offices hereinafter set forth in this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the Commonwealth the Governor may increase the penal sum of any bond or require a renewal thereof with other or additional surety. The minimum sum of the bond for the following offices shall be as follows:

Secretary of State	$ 10,000
Attorney General	10,000
State Treasurer	$300,000
Commissioner of Agriculture, Labor and Statistics	10,000
Superintendent of Public Instruction	50,000
Auditor of Public Accounts	25,000
Clerk of the Court of Appeals	10,000
Adjutant General	10,000
Commissioner of Finance	$100,000
Commissioner of Revenue	50,000
Commissioner of Highways	50,000
Commissioner of Welfare	25,000
Commissioner of Health	10,000
Commissioner of Business Regulation	10,000

Commissioner of Industrial Relations	5,000
Commissioner of Conservation	10,000
State Librarian	5,000
Chief of the Department of Mines and Minerals	5,000
Commissioner of Alcoholic Beverage Control	10,000
Director of Division of Banking	25,000
Director of Division of Insurance	50,000
Director of Division of Motor Transportation	10,000
Director of Division of Game and Fish	5,000
Executive Director of Unemployment Compensation Commission	20,000
Member of Public Service Commission	10,000
Member of State Fair Board	10,000
Member of Kentucky Aeronautics Commission	5,000
Member of Game and Fish Commission	1,000
Associate member of State Tax Commission	10,000
Associate member of Alcoholic Beverage Control Board	5,000

§ 2. A new section of the statutes is created, to be numbered KRS 62.170 and to read as follows:

The head of each constitutional administrative department of the state government (except the Governor), the head of each statutory administrative department of the state government, the Auditor of Public Accounts, the Clerk of the Court of Appeals, and the Director of the Division of Game and Fish, shall at all times require a bond from each officer, employe or deputy, in or attached to his department or his office, whose duties or functions involve the handling of money or licenses or property intended to be sold or exchanged for money in the ordinary operation of the office or department, except the members and employes of boards or commissions which by statute are stated to be a part of, included in or attached to the department. The Commissioner of Welfare shall also require a bond from the superintendent and receiver of each penal or eleemosynary institution under the management and dirction of the Department of Welfare. Each board or commission that exercises any executive or administrative function of the state, or that receives any appropriation of state funds, except the

Legislative Council, the Judicial Council, and boards and commissions that are stated by statute to have only advisory functions, shall require a bond of the officer, employe or appointee of such board or commission who constitutes the chief fiscal agent of such board or commission or of any institution under its management or control, and shall also require bond of each officer or employe whose duties or functions involve the handling of money or of licenses or property intended to be sold or exchanged for money in the ordinary operations of the board or commission. The amounts of the bonds required by this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employes.

§ 3. A new section of the statutes is created to be numbered KRS 62.180 and to read as follows:

Each bond provided for in KRS 62.160 and 62.170 shall be a covenant to the Commonwealth of Kentucky that the principal will faithfully discharge his duties and will faithfully account for and pay over all money and property that may come into his possession by virtue of his office or position. Liability on the bond of any officer shall extend to any position held by him as ex officio.

§ 4. A new section of the statutes is created to be numbered KRS 62.190 and to read as follows:

(1) Any department head, officer, board or commission required by KRS 62.170 to take a bond from particular officers, employes, deputies, or appointees may secure a position bond, blanket bond, or bond of a similar type, providing coverage under one contract, for one premium, for all officers, employes or positions, or classes or groups of officers, employes or positions, in the department, office or agency headed by such department head, officer, board of commission, excepting only such officers, employes or positions, or classes thereof, for which such blanket coverage cannot be secured. In the event such a bond is secured, the individual bonds required by KRS 62.170 shall not be re-

quired as to any officer, employe, deputy, appointee or position within the coverage of the blanket or position bond, except that field agents and accountants of the Department of Revenue shall not be included in such blanket or position bond, but shall be required to execute individual bonds to the Commonwealth, as provided in KRS 62.170, conditioned upon the faithful performance of all duties imposed upon them by the Commissioner of Revenue or by law.

(2) Where the Commissioner of Finance deems it to be for the best interests of the state, he may require a department head, officer, board or commission to secure a bond of the nature contemplated by subsection (1) of this section.

(3) The bonds provided for by this section shall be covenants to the Commonwealth of Kentucky that the officers, employes or holders of positions covered by the bond will faithfully account for and pay over all money and property that may come into their possession by virtue of their office, employment or position.

(4) The penal amounts of the bonds taken under this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employes.

§ 5. A new section of the statutes is created to be numbered KRS 62.200 and to read as follows:

(1) Each bond mentioned in KRS 62.160 to 62.190 shall be executed by a corporate surety authorized to do a surety business in Kentucky. No bond shall be accepted until it has been approved by the Attorney-General as to form and legality, except the bond of the Attorney-General which shall be accepted when approved in such respects by the Governor.

(2) The premiums on the bonds provided for in KRS 62.160 to 62.190 shall be paid out of the same appropriations or funds from which the salaries or expenses of the officers and employes covered by the bonds are respectively paid.

(3) All bonds given pursuant to KRS 62.160 to 62.190, except the bond of the Secretary of State, shall be filed in

the office of the Secretary of State. The bond of the Secretary of State shall be filed in the office of the Governor.

§ 6. Section 62.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The bond required by law to be executed and given by any public official, depository of public funds, or any fiduciary, and other bond required by law for the discharge or performance of any public or fiducial office, trust or employment, shall be a covenant to the Commonwealth of Kentucky from the principal and surety or sureties that the principal will faithfully discharge his duties, and there shall be no other obligation in the bond. The bond shall be limited in a definite penal sum, which shall be determined and fixed by the officer or officers whose duty it is to approve the bond. The bond of each fiduciary shall be fixed in a penal sum of not less than the estimated value of the estate which the fiduciary is in charge of. The officer or officers taking any bond mentioned in this section may, at any time when it appears to be to the interest of the obligee, increase the penal sum of the bond or require a renewal thereof with other or additional sureties.

(2) A bond or obligation taken in any form other than that required by subsection (1) shall be binding on the parties thereto according to its terms.

(3) This section shall not apply to bonds given pursuant to KRS 62.160 to 62.200.

§ 7. Subsection (1) of Section 62.140 of the Kentucky Revised Statutes is repealed.

§ 8. Section 287.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Business Regulation shall appoint necessary examiners to examine all institutions coming under the supervision of the division.

(2) Every director of banking, deputy director, and examiner shall be a resident and citizen of the state, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as an officer or clerk in a bank, trust company, or building and loan association.

(3) Every such officer shall take the Constitutional oath of office.

(4) No director of banking, deputy director, or examiner shall be indebted directly or indirectly either as borrower, endorser, surety or guarantor, to any bank or trust company under his supervision or subject to his examination, nor shall he be a director, officer or employe in such bank, or trust company, nor engage or become interested in the sale of securities as a business or in the negotiation of loans for others.

(5) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he holds stock in either a state or national bank or trust company.

§ 9. Subsection (2) of section 322.260 of the Kentucky Revised Statutes is repealed.

§ 10. Section 156.150 of the Kentucky Revised Statutes is repealed.

§ 11. Section 131.200 of the Kentucky Revised Statutes is repealed.

§ 12. Subsection (2) of section 341.120 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Executive Director of the Unemployment Compensation Commission shall be paid from the Unemployment Compensation Administration Fund a fixed salary at a rate fixed by the Governor and the Social Security Board not to exceed five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office.

§ 13. Section 341.160 of the Kentucky Revised Statutes is amended to read as follows:

Subject to KRS 341.130, and to other provisions of this chapter, the commission is authorized, subject to the provisions of KRS Chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers, accountants, attorneys, experts, examiners, referees and other persons as may be necessary and in the performance of its duties under this chapter. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any

person who is an officer or committee member of any political party organization. The commission may, by written orders, delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter.

§ 14. Subsection (6) of section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

Each commissioner shall take the constitutional oath of office.

§ 15. Subsection (4) of section 150.061 of the Kentucky Revised Statutes is repealed.

§ 16. Section 36.150 of the Kentucky Revised Statutes is repealed.

§ 17. Section 196.170 of the Kentucky Revised Statutes is amended to read as follows:

Before entering upon his duties each superintendent and each receiver shall take the oath prescribed by § 228 of the Constitution.

§ 18. Subsection (4) of section 12.040 of the Kentucky Revised Statutes is repealed.

§ 19. Section 43.020 of the Kentucky Revised Statutes is amended to read as follows:

The Auditor shall receive an annual salary of thirty-six hundred dollars, payable monthly. He shall reside and keep his office at the seat of government.

§ 20. Section 14.130 of the Kentucky Revised Statutes is repealed.

§ 21. Section 41.030 of the Kentucky Revised Statutes is repealed.

§ 22. Subsection (3) of section 341.500 of the Kentucky Revised Statutes is amended to read as follows:

(3) The benefit account shall consist of all money requisitioned from the state's account in the Unemployment Trust Fund. Except as otherwise provided in this chapter, money in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

§ 23. Subsection (3) of section 156.120 of the Kentucky Revised Statutes is repealed.

§ 24. Subsection (2) of section 246.040 of the Kentucky Revised Statutes is repealed.

§ 25. Section 36.020 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, immediately upon his induction into office, shall appoint an Adjutant General, who shall be not less than thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. His salary shall be five thousand dollars annually.

§ 26. Subsection (3) of section 36.120 of the Kentucky Revised Statutes is repealed.

§ 27. Section 241.040 of the Kentucky Revised Statutes is amended to read as follows:

Each member of the board, before entering upon his duties, shall take the oath prescribed by § 228 of the Constitution.

§ 28. Subsection (2) of section 150.080 of the Kentucky Revised Statutes is repealed.

§ 29. Subsection (1) of section 15.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the Assistant Attorneys-General provided for by KRS 15.110 to 15.140, the Attorney-General may appoint six Assistant Attorneys-General, who shall serve for the term for which he is elected, unless sooner removed by him.

§ 30. Subsection (4) of section 317.260 of the Kentucky Revised Statutes is repealed.

§ 31. Subsection (1) of section 313.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall choose a president and secretary-treasurer from its members at a meeting on the first Tuesday in June of each year.

§ 32. Section 211.030 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Health shall be headed by the Commissioner of Health. Every four years, beginning with the

expiration of the term of the Commissioner of Health appointed in 1939, the State Board of Health shall elect a Commissioner of Health to serve for a term of four years and until his successor is elected. The person so elected may be one of the members of the State Board of Health appointed by the Governor, and he shall be a graduate of a recognized school of medicine and licensed to practice as a physician in this state, with not less than five years' specialized training and experience in public health administration. The Commissioner of Health shall receive an annual salary of five thousand dollars.

§ 33. Section 198.070 of the Kentucky Revised Statutes is repealed.

§ 34. Subsection (1) of section 200.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky Crippled Children Commission shall be composed of seven members appointed by the Governor. At least three of the members shall be appointed from a list of six names recommended by the Kentucky Society for Crippled Children, and the other four shall be appointed from the state at large. The members of the commission shall hold office for four years from the date of their appointment and until their successors have been appointed and qualified, and shall serve without compensation. Each of the commissioners shall take the constitutional oath of office before entering upon the discharge of his duties, and a record of the oath shall be entered upon the Executive Journal. The commission shall elect a president, vice-president, secretary and treasurer, and the office of secretary and treasurer may be held by the same person.

§ 35. Section 57.010 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Finance shall appoint as Superintendent of Public Printing a practical printer or a practical estimator of printing, who has had not less than ten years' experience in typesetting, estimating the cost of plain, job, rule, tabular and machine composition, presswork, both cylinder and platen, book binding in its various branches, and

such materials as are used in the performances of state printing contracts; and who at the time of accepting appointment is not connected, as owner, manager or stockholder, with any person engaged in the business of printing in this or any other state.

§ 36. Section 117.340 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a State Board of Registration and Purgation composed of the same members that compose the State Board of Election Commissioners. The members of the board shall take an oath to faithfully discharge the duties imposed upon them by the laws of this state.

§ 37. Section 262.080 of the Kentucky Revised Statutes is repealed.

§ 38. Section 247.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sum appropriated by the General Assembly for premiums alone shall be paid on or before September 1 of each year to the State Fair Board, to be disbursed by it through any agent it appoints for that purpose. No money shall be paid out of the premium fund except upon checks which have been countersigned by a designated agent of the Commissioner of Finance who shall keep an office upon the fair grounds for the duration of each annual fair, in order to carry out the provisions of this section.

(2) The State Fair Board shall, within ninety days after holding the annual State Fair, render to the Department of Finance an itemized statement showing the disbursements of the appropriations.

§ 39. Section 164.430 of the Kentucky Revised Statutes is repealed.

§ 40. Section 161.350 of the Kentucky Revised Statutes is repealed.

§ 41. Section 180.340 of the Kentucky Revised Statutes is amended to read as follows:

Every collector of tolls upon any bridge or ferry owned or operated by the state shall, before entering upon the dis-

charge of his duties, take and subscribe to the Constitutional oath of office. The oath shall be executed either in the county court of the county in which the collector resides, or in the office of the department, and shall be approved by the Commissioner of Highways. The original or a certified copy of the oath shall be duly filed and entered of record in the office of the department.

§ 42. Section 164.280 of the Kentucky Revised Statutes is amended to read as follows:

The treasurer of the university shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

§ 43. Section 342.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the board shall take an oath prescribed by section 228 of the Constitution.

(2) The members shall give full time to the work of the board and shall receive four thousand dollars annually for their services.

§ 44. Section 43.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Auditor shall appoint for the duration of his own term, subject to removal by him at any time, one Assistant Auditor of Public Accounts, who shall be a certified public accountant and shall have been a citizen and resident of the state for at least two years. The Assistant Auditor shall have direct supervision over all technical work and technical assistants, and shall otherwise aid the Auditor in the performance of his duties. If the Auditor is absent or is rendered incapable of performing his duties, or if a vacancy in the office occurs, the Assistant Auditor shall perform the duties of Auditor until the necessity therefor ceases to exist.

He shall take the constitutional oath. The Auditor shall fix the salary of the Assistant Auditor at not more than thirty-five hundred dollars per annum.

(2) Other assistants authorized by law for the actual conduct of audits shall be persons qualified by at least two years of practical experience in the practice of auditing, or at least one year of practical experience and one year of formal training in an accredited college or university.

(3) Each clerk appointed by the Auditor shall hold his position for the same term as the Auditor, unless sooner removed by him. No one shall be appointed as clerk unless he has been a citizen and resident of this state for at least two years. Each clerk shall take the constitutional oath of office. The assistants and clerks of the Auditor shall reside and keep their office at the seat of government.

(4) The Auditor and his sureties shall be liable on his official bond for the acts of the Assistant Auditor and clerks.

§ 45. Section 41.060 of the Kentucky Revised Statutes is amended to read as follows:

The Treasurer shall appoint an assistant and may remove him at pleasure. The assistant may perform any of the duties of the Treasurer, excepting the signing of checks, and shall perform the duties of clerk. If the Treasurer is disabled by sickness, or if he absents himself from the seat of government, he shall notify the Governor in writing of the facts, and recommend his assistant or some other person to discharge the duties of the office during his sickness or absence. If the Governor approves the recommendation he shall enter his approval on the executive journal, after which the assistant or other person may perform all the duties of the Treasurer until he is restored to health or returns to the seat of government. The Treasurer and his sureties shall be responsible on his bond for all the acts and omissions of the assistant. The salary of the assistant shall be fixed by the Treasurer, subject to the provisions of KRS 12.050, 12.060 and 42.110 to 42.150.

§ 46. Subsection (2) of Section 176.040 of the Kentucky Revised Statutes is repealed.

§ 47. Subsection (2) of section 248.070 of the Kentucky Revised Statutes is amended to read as follows:

(2) The commission may:

(a) Accept, deposit with the State Treasurer and provide for the expenditure of such funds as Congress may advance or grant to the State for the purpose of administering KRS 248.020 to 248.240. Such expenditures shall be in accordance with the Act of Congress authorizing or making the advance or grant;

(b) Receive, through such agents as it may designate, all payments covering the sale of marketing certificates pursuant to subsection (2) of KRS 248.120;

(c) Provide for the expenditure of such funds in the manner prescribed by KRS 248.220.

§ 48. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

The State Fair Board may employ such employes and agents as it deems necessary for the conduct of its affairs and those of the State Fair. It may fix the duties and compensation of any such employe or agent, with the approval of the Division of Personnel Efficiency.

S. B. 74. An Act granting authority for the issuance of revenue bonds, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

For the purpose of establishing or acquiring playgrounds and recreation centers and appurtenances thereto, playground and recreation board organized under Sections 97.010 to 97.050 of the Kentucky Revised Statutes shall have the same authority to issue revenue bonds that is granted to cities under the provisions of Sections 97.150 to 97.240 of the Kentucky Revised Statutes, and all of the provisions of said sections shall be applicable in the case of issuance of revenue bonds by such playground and recreation boards.

WHEREAS THIS ACT provides a method whereby playgrounds and recreation centers may be established or

acquired by municipalities and whereas several municipalities desire to establish or acquire playgrounds or recreation centers immediately but may not have an opportunity to do so unless this act becomes a law now, therefore, an emergency is declared to exist and this act shall become in full force and effect from and after its passage and approval by the Governor.

S. B. 113. An Act relating to the State Educational Agency for Surplus Property, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the State Educational Agency for Surplus Property from the General Expenditure Fund, for the fiscal year ending June 30, 1946, the sum of seven thousand five hundred ($7,500.) dollars for the purpose of employing personnel and purchasing equipment and supplies necessary for securing through the Federal Surplus Property Administration various and sundry forms and types of surplus property which are presently available, or which may hereafter be made available to the educational institutions within the state, said appropriations being for the period ending June 30, 1946.

WHEREAS, there is presently available surplus property which the educational institutions within the state may secure, and

WHEREAS, if the effective date of this Act is delayed these educational institutions may lose the opportunity to secure the property now available to them,

NOW, THEREFORE, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

S. B. 124. An Act appropriating money for paper for election ballots and General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

THAT there is hereby appropriated out of the General Expenditure Fund in the State Treasury, for the fiscal year ending June 30, 1946, to the Department of Finance, the sum of $5,000 to be used for ordinary recurring expenses in furnishing paper for ballots or state elections and for the General Assembly, and the sum of $10,000 to be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units, said appropriations being in addition and supplemental to the appropriations for such purposes made by the 1944 General Assembly.

S. B. 125. An Act relating to Associate Commissioners of Revenue and to the Assistant Attorney General assigned to the Department of Revenue.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 131.040 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"The Governor shall appoint two associate commissioners of revenue. The term of office of each associate commissioner shall be four years. One associate commissioner shall be appointed each four years beginning with 1937, and the other shall be appointed each four years beginning with 1938. The term of each shall begin on July 1. Each associate commissioner may head a division of the department if so directed by the Commissioner of Revenue, and shall be paid four thousand five hundred dollars annually for his services."

Section 2. Section 15.140 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The Attorney-General shall, with the approval of the Commissioner of Revenue and the Governor, appoint an Assistant Attorney-General, who is over twenty-six years of age and who has been a regular practicing attorney for four

years, and assign him to the Department of Revenue. The Assistant shall advise the Commissioner of Revenue and shall, when called upon to do so by the Commissioner, represent the Department of Revenue in any litigation concerning the Department. No other duties shall be imposed upon the Assistant without the consent of the Commissioner of Revenue.

"(2) The Assistant Attorney-General shall receive a salary not to exceed four thousand five hundred dollars per annum, to be fixed by the Commissioner of Revenue and paid out of the appropriation of the Department of Revenue."

S. Res. 27. Resolution authorizing the payment of claim for supplemental tax bill fees to Wm. W. Moore.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commonwealth of Kentucky is indebted to Wm. W. Moore, County Clerk of Lawrence County, in the sum of twenty-two dollars and thirty-one cents ($22.31), being the sum to be paid by the Commonwealth on certain supplemental tax bill and assessment fees, for services rendered during the fiscal year ending June 30, 1943.

It appearing that the said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claim is a just claim against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Wm. W. Moore, and the amount necessary to pay said claim, being twenty-two dollars and thirty-one cents ($22.31), is hereby appropriated out of the General Fund for that purpose.

S. Res. 30. Resolution appropriating the sum of $2,000.00 for the purpose of restoring the Daniel Boone Monument in the Frankfort Cemetery.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) There is hereby appropriated from the General Expenditure Fund of the Commonwealth the sum of $2,000.00 for the purpose of restoring the Daniel Boone Monument located in the cemetery of the Frankfort Cemetery (Incorporated) at Frankfort, Kentucky.

(2) The Department of Finance of the Commonwealth of Kentucky is hereby designated as representative of the Commonwealth of Kentucky for the purpose of accepting, or rejecting, any proposal for or cost of said restoration, as may be obtained and presented to it by Frankfort Cemetery (Incorporated).

(3) The Department of Finance of the Commonwealth of Kentucky is directed to issue its warrant, or warrants, for the cost of said restoration payable to such person or persons as may be contracted with for said purpose.

(4) Such part if any, of said appropriation, as may not be necessarily expended for said restoration shall revert to the General Expenditure Fund of the Commonwealth of Kentucky.

S. Res. 33. Resolution authorizing the payment of a pauper idiot claim by the Breathitt Circuit Court to Ed. T. Deaton.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Ed T. Deaton of Jackson, Kentucky, is now the owner of a pauper idiot claim allowed in the Breathitt Circuit Court at the November, 1943 term, in the total amount of $37.50.

It appearing that said claim was not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claim is a just claim against the Commonwealth of Kentucky, the

Commissioner of Finance is hereby authorized and directed to pay said claim when presented by Ed. T. Deaton of Jackson, Ky., and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claim, and the amount necessary to pay said claim, being $37.50, is hereby appropriated out of the General Fund for that purpose.

S. Res. 35. Resolution appropriating the sum of $1792.69 to the Department of Military Affairs.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated from the General Expenditure Fund of the Commonwealth a sum of $1792.69 to the Department of Military Affairs to meet expenses of the Kentucky Active Militia for flood duty during January, 1946, which sum shall cover fuel for vehicles, meals and travel of members of the Militia, active duty pay, sanitary supplies, telephone calls, and transportation.

2. Because compensation for personal service is due members of the Active Militia, and because members of the Active Militia were obliged to remain away from their regular occupations, in order to discharge their military duties, an emergency is declared to exist, and this resolution shall take effect upon signature from the Governor.

Ordered that said bills and resolutions be printed and referred.

Mr. Biggers moved that the House do now adjourn to meet again on tomorrow at ten o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 21, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul S. Stauffer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Clyde S. Howard	Sylvester Phillips
Roy W. Arnold	Maurice Howard	L. W. Preston
Henry Arrowood	Jerry F. Howell	E. F. Prichard
F. O. Baker	J. J. Huff	Hobart Rayburn
Harold L. Barnes	Ira W. Hulette	Wade H. Riley
F. H. Bassett, Jr.	W. H. Hunt	Kelse H. Risner
Ott Begley	Paul Jonas	Amos Runyan
W. G. Biggers	L. H. Jones	J. W. Simmons
B. J. Bonn	B. F. Kincaid	Luther Slusher
J. C. Bradley	Edgar Kitchen	Forrest Smith
B. K. Brantley	Homer E. Losey	W. R. Smith
John Y. Brown	A. L. Love	E. A. Spencer
Chas. W. Burnley	H. K. Lowman	Paul J. Stapleton
Alex. H. Calvert	E. J. Lucas	Geo. W. Steinford
S. J. Daugherty	F. G. Marquette	L. S. Stephens
L. A. Demumbrun	E. H. Martin	Ralph G. Stone
E. R. Denny	W. E. McClure	C. W. Taylor
Adron Doran	Jack McPherron	E. L. Thompson
G. I. Drury	Harry L. Moore	Ray G. Tipton
Forest C. Easley	J. L. Moore	E. N. Todd
Eck Embry	J. Lee Moore	Walter L. Trivette
R. R. Ernst	Fred Morgan	S. J. Wagner
Tom Gilliam	Joe T. Morgan	Harry F. Walters
M. B. Gilligan	E. C. Mullins	W. W. Webster
Otto W. Goff	Rodes K. Myers	Geo. J. Weining
R. M. Hall	John C. Newcomb	Morris Weintraub
C. L. Hammonds	Thos. A. Noe	Lawrence Wells
Harold G. Helm	Joe E. Nunn	Rodney Whitlow
E. R. Hilton	Louis T. Peniston	Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills and resolutions of the following titles, viz.:

By Mr. Giles of the Committee on Trade and Commerce.

H. B. 307. An Act relating to political subdivisions of the State and the purchase of supplies, materials and equipment.

By Mr. Noe of the Committee on Codes of Practice.

H. B. 76. An Act repealing and re-enacting Sec. 745 of the Civil Code of Practice.

H. B. 367. An Act relating to new trials and to amend subsec. 4 of sec. 340 of the Civil Code of Practice.

H. B. 334. An Act amending Sec. 237 of the Kentucky Criminal Code.

H. B. 24. An Act to amend Sec. 183 of the Criminal Code of Practice.

By Mr. Kitchen of the Committee on Fish and Game.

H. B. 312. An Act relating to Game and Fish.

With a Committee Amendment thereto.

By Mr. Trivette of the Committee on Mines and Mining.

H. B. 291. An Act relating to mining.

By Mr. Arnold of the Committee on Claims.

H. Res. 63. Resolution authorizing the payment of witness claims to Mrs. Maude Bailey.

H. Res. 61. An Act authorizing Fred Raymer and Eldon White to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 50. Resolution authorizing Bart Bloomer to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 53. A resolution authorizing Dan T. Martin to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 11. Resolution authorizing Mell T. Prather to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 49. Resolution authorizing Gilbert Brumley to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 34. Resolution authorizing Myrtle Cooper to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 33. Resolution authorizing A. E. Funk and his wife, Myrtle Funk to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 36. A resolution authorizing Curtis Pigman to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 48. Resolution authorizing F. B. Dadisman and Iva Dadisman to sue the Commonwealth.

With a Committee Amendment thereto.

By Mr. Wagner of the Committee on Banks and Banking.

H. B. 282. An Act making provision for a Department of Banking; providing for the organization, etc.

By Mr. Howell of the Committee on Appropriations.

H. Res. 31. Resolution appropriating the sum of $802.11 to the War Department.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Arnold of the Committee on Claims.

H. Res. 65. Resolution authorizing Mrs. Elizabeth McDonald to sue the Commonwealth.

H. Res. 47. Resolution authorizing A. H. Bowman to sue the Commonwealth.

H. Res. 42. Resolution authorizing the personal representative of William Flannery to sue the Commonwealth.

H. Res. 43. Resolution authorizing personal representative of Augustus Manious to sue the Commonwealth.

H. Res. 45. Resolution authorizing the personal representative of Grant Judd to sue the Commonwealth.

H. Res. 23. Resolution authorizing Mrs. Jurlene McKinney to sue the Commonwealth.

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

H. Res. 56. Resolution authorizing Sarah Near to sue the Commonwealth.

By Mr. Howell of the Committee on Appropriations.

S. Res. 5. Resolution providing for the purchase of the Kentucky Directory.

With the expression of opinion that said resolutions ought not to pass.

No motion having been made to advance said resolutions to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said resolutions, it was ordered that said resolutions be not read at length the first time and so said resolutions were rejected.

Mr. Easley moved that the privilege of the floor be extended to Mr. Landrum and Mr. McCauley.

Said motion was agreed to.

Mr. Wells moved that the privilege of the floor be extended to Mr. Wallace K. Jones.

Said motion was agreed to.

Mr. Myers offered the following resolution:

H. Res. 92. Resolution authorizing the Speaker and the President of the Senate to appoint a Committee to investigate the salaries of teachers.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives, the Senate concurring therein, that the Speaker of the House appoint

five members of the House of Representatives, and that the President pro tem of the Senate appoint five members of the Senate to conduct an investigation consisting of ten members to investigate the question of the appropriation for the common schools and teachers' salaries.

Said committee when so appointed shall select one of its members Chairman and one of its members Secretary, and shall conduct such hearings as it deems necessary to acquire the true and correct information relative to teachers' salaries in the Common School System of the State.

Such committee shall be empowered by and through its Secretary to issue subpoenas for any citizen of the Commonwealth of Kentucky to appear before it with any and all records that said committee may require, and upon failure of any such witness to comply with such subpoena, the Chairman of said committee shall report same to the General Assembly and the General Assembly may as provided by law proceed against such witness for contempt.

Such committee may have its hearings taken down by a stenographer selected from either the office of the Clerk of the House or from the Clerk of the Senate, and the cost of the taking of such evidence and the transcription thereof shall be borne by the Clerk of the House or Senate from which such stenographer is selected out of the contingent fund.

This resolution shall be effective immediately upon its passage by the House and the concurrence of the Senate.

Said resolution was adopted.

The House took up for consideration from the Clerk's Desk a resolution which was reported to this House from the Senate on February 18, entitled:

S. Res. 36. A resolution relative to the celebration of the sesqui-centennial of the "Wilderness Road."

For resolution see House Journal of February 18.

Said resolution was then concurred in.

Mr. Barnes moved that the privilege of the floor be extended to Mr. Chester Jenkins.

Said motion was agreed to.

Mr. C. W. Taylor moved that the privilege of the floor be extended to Mr. E. P. Kelley, Judge Gilliam and Mr. Joe Pate.

Said motion was agreed to.

Mr. Anderson moved that a bill entitled:

H. B. 224. An Act relating to services, rights, etc. to be made available to customers of mercantile establishments.

Be taken from the hands of the Committee on Ways and Means, and advanced to a reading.

Said motion was agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Kelse H. Risner
Henry Arrowood	Maurice Howard	J. W. Simmons
F. O. Baker	J. J. Huff	Luther Slusher
W. G. Biggers	W. H. Hunt	W. R. Smith
B. K. Brantley	L. H. Jones	E. A. Spencer
John Y. Brown	A. L. Love	Paul J. Stapleton
W. K. Coleman	E. J. Lucas	L. S. Stephens
L. A. Demumbrun	F. G. Marquette	Ralph G. Stone
E. R. Denny	Jack McPherron	Ray G. Tipton
Eck Embry	Harry L. Moore	E. N. Todd
R. R. Ernst	E. C. Mullins	Lyle H. Webb
A. H. Eversole	Rodes K. Myers	Morris Weintraub
M. B. Gilligan	J. C. Newcomb	Lawrence Wells
R. M. Hall	Thos. A. Noe	Rodney Whitlow
C. L. Hammonds	Sylvester Phillips	—44

Those who voted in the negative were—

F. H. Bassett, Jr.	Ira W. Hulette	Wade H. Riley
B. J. Bonn	Edgar Kitchen	Amos Runyan
J. C. Bradley	E. H. Martin	Forrest Smith
Chas. W. Burnley	W. E. McClure	Geo. W. Steinford
S. J. Daugherty	J. L. Moore	C. W. Taylor
Adron Doran	J. Lee Moore	E. L. Thompson
Forest C. Easley	Fred Morgan	Walter L. Trivette
Henry J. Giles	Joe E. Nunn	S. J. Wagner
Tom Gilliam	Louis T. Peniston	Harry F. Walters
E. R. Hilton	L. W. Preston	W. W. Webster
Clyde S. Howard	E. F. Prichard	Geo. J. Weining
Jerry F. Howell		—34

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Slusher moved that the Rules of this House be suspended and that Motion Hour be extended for thirty minutes.

Said motion was disagreed to.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Whitlow.

H. B. 413. An Act relating to deadly weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A county judge may issue a permit to carry a concealed deadly weapon on or about the person to any person engaged in business who shows to the satisfaction of the county judge that the carrying of such weapon is necessary for the protection of his life or property. This certificate shall be issued only after the deadly weapon to be carried by the applicant or certificate has been registered with the county judge.

§ 2. The registration form shall accurately describe the weapon as to make, model and serial number, and shall be kept on file in the office of the county judge as a public record. A registration fee of $2.00 shall be collected by the county judge.

By Mr. Whitlow.

H. B. 414. An Act relating to State Fair Board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

STATE FAIR BOARD; MEMBERS.

(1) The State Fair Board shall be composed of nine members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) Six members appointed from the State at large by the Governor as provided in this section, and with due consideration to geographical distribution throughout the State.

(2) Each two years, as the terms of two of the present six appointed members of the board expire, the Governor shall, in the manner provided, select and appoint for terms of six years each, two successor members to those whose terms then expire. No more than three of the members appointed by the Governor shall be members of the same political party.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

2. Section 247.100 of the Kentucky Revised Statutes is amended to read as follows:

CORPORATE POWERS OF FAIR BOARD; RECORD OF MEETINGS.

(1) The State Fair Board shall be a body corporate with the usual corporate powers, and shall require a complete record to be kept of all its meetings.

(2) A quorum of the board shall consist of five members, and a majority of those present at any meeting of the board may act for the board upon any matter which may legally come before such meeting.

3. Section 247.110 of the Kentucky Revised Statutes is amended to read as follows:

OFFICERS OF FAIR BOARD.

The State Fair Board shall elect from among its members a president and vice-president. The State Fair Board shall elect a treasurer. The manager provided for in KRS 247.130 shall be ex-officio secretary to the board.

4. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

MANAGER, EMPLOYES AND AGENTS

(1) The State Fair Board shall appoint a manager who shall not be one of their number. The manager shall be appointed on the basis of training, ability and experience. The manager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of a majority of all of the members of the board. The manager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) The manager may organize such administrative divisions as may be necessary and may designate chiefs of such divisions who, under his control and supervision, shall have the duties of direction of such divisions. The manager may employ such other employes and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the

duties and compensation of any employes or agents with the approval of the board.

(3) The board may require the manager and any employe or agent to give bond for the faithful performance of their duties, and may pay the premium on any such bond.

(4) The manager, provided for in this section shall not be subject to the provisions of KRS 42.110 or 42.120.

5. Subsection (2) of Section 247.140 of the Kentucky Revised Statutes is amended to read as follows:

(2) The State Fair Board may take, acquire and hold property, and all interests therein, by deed, gift, devise, bequest, lease or eminent domain, and may dispose of any property so acquired in the manner provided by law. In the exercise of its powers of eminent domain it may proceed in the manner provided in KRS 416.115 or in the manner provided in KRS 416.120.

By Mr. McPherron.

H. B. 415. An act providing for stenographers for Commonwealth's attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.105 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

In all judicial districts (except one embracing a county having a population of 200,000 or more, which is provided for in KRS 69.100), the Commonwealth's attorney may appoint a stenographer for a term of four years, subject to removal at any time by the Commonwealth's attorney. The stenographer shall do stenographic work for the Comonwealth's attorney and perform such other duties as are assigned to him by the Commonwealth's attorney, and shall have the same power of administering an oath as a notary public. The stenographer shall receive an annual salary of not less than $600 nor more than $1800. In judicial districts embracing only one county, the salary shall be paid by such county. In judicial districts embracing more than one county, each county shall pay a

part of the salary in proportion to the amount of work attributable to the county, such proportions being certified to the respective counties by the Commonwealth's attorney.

By Messrs. Howell, and Biggers.

H. B. 416. An act relating to employment service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) In the department of Industrial Relations there shall be an employment Service Commission composed of a Director of Employment Service and one member to represent labor and one member to represent management.

(2) The two members of the Employment Service Commission representing labor and management shall be appointed, for four year terms, by the Commissioner of Industrial Relations, with the approval of the Governor, from lists of names submitted to him by representatives of labor and management. They shall be selected on the basis of their merit and fitness to perform their duties and exercise the responsibilities of their positions and shall be citizens of Kentucky.

(3) The two members of the Employment Service Commission representing labor and management shall be paid from the Employment Service Commission Administration Fund fees at the rate of twenty dollars each per day, plus necessary expenses, while attending meetings of the Employment Service Commission in the performance of their duties, not exceeding total fees of three hundred dollars per month.

§ 2. (1) The Director of Employment Service shall be chairman of the Employment Service Commission and shall serve for a four-year term. He shall have had at least four years full time paid experience in the administration and supervision of the state-wide system of public employment service offices and shall have been a citizen of Kentucky for at least two successive years immediately prior to his appointment. The Director shall be paid, from the Employment Service Commission Administration Fund, a salary at the

rate of five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office.

(2) The Director of Employment Service shall exercise the administrative functions of the Employment Service Commission, including the routine of operating and managing the activities of the Employment Service offices and functions; the handling of records, reports, files, and correspondence; the employment and management of the Employment Service personnel; the conduct of negotiations with employers, workers, and cooperation with the Federal Government as designated, and all similar administrative functions. The Director shall have power to determine and establish his own organization, employ such personnel as he deems necessary for the proper administration of this Act, fix their compensation and prescribe their duties.

§ 3. (1) The Employment Service Commission shall establish and maintain free public employment offices in such number and such places as may be necessary for the proper administration of an effective public employment service system for all workers and employers and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled, "An Act to provide for the establishment of a national Employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48th Stat. 133 U. S. Code, Title 29, Section 49 (c)), as amended, and known as the Wagner-Peyser Act. All duties and powers conferred upon any other department, agency or officer of this state relating to the establishment, maintenance, and operation of free public employment service offices shall be vested in the Employment Service Commission. The provisions of said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof.

(2) The Employment Service Commission is hereby designated and constituted the agency of this state for the purpose of said Wagner-Peyser Act and any other Acts henceforth enacted by the National Congress relating to the employment service offices or programs.

§ 4. It shall be the duty of the Labor-Management representatives on the Employment Service Commission:

(1) To advise with the Employment Service Director as to the administration of the employment service system.

(2) To aid the Employment Service Director in his relationship with labor and management individuals and organizations.

(3) To assist in promoting cooperation among all groups and agencies concerned with employment problems.

(4) To promote public understanding of the purposes, policies and practices of the employment service.

§ 5. The Employment Service Director shall appoint a State Advisory Committee and Local Advisory Committees in all important labor market areas in Kentucky. These committees shall be composed of representatives of labor and management in equal numbers and the public. The committees shall aid the director in an advisory capacity in promoting programs and solving problems relating to the administration of the employment service and in assuring impartiality and freedom from political influence in the solution of such problems. The members of the Advisory Committee shall serve without compensation but shall be reimbursed for necessary travel expense.

§ 6. The Employment Director, with the advice and aid of the Advisory Committees shall:

(1) Take all appropriate steps to reduce and prevent unemployment.

(2) Encourage and assist in the adoption of practicable methods of vocational training, retraining and vocational guidance.

(3) Promote the employment of unemployed workers in every feasible way and to these ends carry on and publish the results of investigations and research studies.

(4) Maintain and publish detailed labor market information to assist employers and workers in determining opportunities for employment and places of unemployment.

(5) Maintain a system of intra-state and inter-state clearance of labor for employers and workers whereby job opportunities may be offered to unemployed job applicants throughout Kentucky and the nation.

(6) Establish and promote job counselling for Veterans, industrial workers, youths and others.

(7) Establish and promote a free industrial service for employers and workers through a program of training, occupational and worker analyses, testing, etc.

§ 7. (1) There is hereby created in the State Treasury a special Fund to be known as the Employment Service Commission Administration Fund. All monies deposited or paid into this Fund are appropriated and shall be available for the administration of the Employment Service offices and functions in Kentucky.

(2) All monies in such Fund shall be expended solely to defray the cost of the administration of this Act.

(3) The Fund shall consist of all money appropriated by this State and all money received from the United States or any agency thereof or from any other source for the purpose of administering the Employment Service program in Kentucky.

(4) The Employment Service Director may enter into an agreement with any agency charged with the administration of an Employment Service or Unemployment Insurance Law, with any city or political sub-division of this State, or with any private non-profit organization, as he may deem necessary in the administration of the Employment Service program, and may accept money, services or quarters as a contribution to the Administration Fund of the Employment Service Commission.

(5) All money in the Employment Service Commission Administration Fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Any balance in this Fund shall not lapse at any time but shall be continuously available to the Employment Service Commission for expenditures consistent with this Act. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this Fund.

§ 8. If and when the Employment Service returns to state control a transfer shall be made, to employment in the

statewide system of public employment offices, without adverse adjustment in their classification or compensation status, of all officers and employees of the Federal Government who had been employed in the performance of Employment Service functions in Kentucky on the day preceding the effective date of such transfer; and also not later than thirty days after the date of the return of the Employment Service to state administration all properties, including equipment, now in possession of the Unemployment Compensation Commission, purchased by the Kentucky State Employment Service under the Unemployment Compensation Act of 1938, shall be transferred to the Employment Service Commission Created by this Act.

§ 9. KRS 340.080 is hereby repealed.

By Mr. McPherron.

H. B. 417. An act providing for district detectives for Commonwealth's attorneys.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 69.110 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(2) In all judicial districts, other than those consisting of a county having a population of 150,000 or more, the Commonwealth's attorney shall appoint a district detective for a term of four years, subject to removal at any time by the Commonwealth's attorney. The detective shall serve under the direction and control of the Commonwealth's attorney. The salary of the detective shall be $2,400, payable in equal monthly installments. In judicial districts embracing only one county, the salary shall be paid by such county. In judicial districts embracing more than one county, each county shall pay a part of the salary in proportion to the amount of work attributable to the county, such proportions being certified to the respective counties by the Commonwealth's attorney.

By Messrs. Stone, Coleman, Gilligan, Bonn, Weining.

H. B. 418. An act relating to cities of the first class amending Section 93.120 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 93.120 of the Kentucky Revised Statutes is hereby amended and as amended reads:

(1) The Department of Public Works may lease and receive the rentals from any portion of the wharf property not, at the time, needed for wharf purposes. All leases shall provide for their cancellation, upon such notice as is stipulated therein, whenever the property lease is, in the judgment of the Director of Works, required for wharf purposes, subject to the approval of the Mayor, and any such leases may provide that they may be so cancelled only upon payment by the city to the lessee of the then fair value of any improvements erected on the land of the city by the lessee and then existing, whereupon such improvements become the property of the city, and shall be conveyed to it by the lessee. Such fair value shall be based upon prudent original cost less depreciation and obsolescence.

(2) All monies received from wharves, landings and leases shall be paid into the Department of Public Finance of the city at the end of each week, and placed by the Director of Finance to the credit of wharves.

(3) The salaries and expense of operating the wharves and landings shall be paid out of this fund. The net revenue derived from wharves, landings and leases shall be placed by the Director of Finance annually to the credit of the general purposes fund.

By Messrs. Stone, Gilligan, Weining, Bonn.

H. B. 419. An act relating to the office of assessor in cities of the first class, and amending Section 91.100, Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.100, Kentucky Revised Statutes, is hereby amended and as amended reads:

The Director of Finance shall appoint an assessor who shall hold office until he resigns or is removed. The Director of Finance may, subject to the approval of the Mayor, remove the assessor at any time. The assessor shall assess all property in the city subject to taxation. The assessor shall appoint, with the approval of the director of Finance, such deputies and assistants as are allowed to him by ordinance. The assessor may, subject to the approval of the Director of Finance, remove any deputy or assistant at any time. The manner in which the assessor shall perform his duties and exercise his powers shall be determined by ordinance. The assessor shall give bond with surety to be approved by the Director of Finance. The assessor and his deputies may administer and certify oaths.

This act insofar as it relates to offices with a term, shall as to each such office, take effect at the expiration of the term of the present incumbent.

Section 2. Whereas under existing statutes the Director of Finance is charged with general supervision of the city assessor and the receiver of city taxes and the administration of their offices, and

WHEREAS it is of urgent importance for the proper administration of the fiscal affairs of the cities of the first class that the authority of the Director of Finance be uniform as to the office of assessor and tax receiver, and WHEREAS a dissimilarity now exists which this act will correct, and make the administration uniform, an emergency is declared to exist and this act shall become effective immediately upon passage and approval by the Governor.

By Mr. Losey.

H. B. 420. An act amending Section 94.160 of the Kentucky Revised Statutes, so as to authorize cities of the second,

third, fourth, fifth and sixth classes to establish, construct, improve, and extend municipal sewerage systems, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 94.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the second, third, fourth, fifth or sixth class may, in the manner and under the conditions relating to municipal water works as set forth in KRS 96.360 to 96.510, purchase, establish, erect, maintain, operate, improve and extend a municipal sewerage system, including the necessary or appropriate works for the treatment, disposal or outlet of sewerage, and appurtenances thereto, both within and without the corporate limits of such city, so as to thereby supply such city and its inhabitants with sewerage services and for the purpose of paying the whole or any part of the cost of the purchase, establishment, erection, improvement or extension thereof, may in like manner and under like conditions issue revenue bonds payable from sewer service charges.

(2) A water system may be acquired with a sewarage system and joined in one project for the purpose of original financing.

(3) This section constitutes a method for the acquisition, maintenance, operation, improvement and extension of a sewerage system by any city of the second, third, fourth, fifth or sixth class in addition and as an alternate to any other method authorized by statute. No proceedings shall be required for the acquisition, maintenance, operation, extension or improvement of any municipal sewerage system or the issuance of revenue bonds in connection therewith, except the proceedings required by KRS 96.360 to 96.510.

§ 2. The existing condition of the sewerage systems in the several municipalities is seriously endangering the public health and safety, thereby creating an emergency which is hereby declared to exist, and this Act shall become effective upon its enactment by the General Assembly and approval by the Governor.

By Mr. Kincaid.

H. B. 421. An act relating to trial and commitment of juveniles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No male child of seventeen years of age or less, or a female child of eighteen years or less, shall be committed to the house of reform or penitentiary, or any jail or workhouse, until the State Department of Welfare shall have made a thorough investigation of the case and filed written approval of the commitment with the trial court.

By Mr. Drury.

H. B. 422. An Act regulating the drilling of wells for oil or gas, requiring permits for the drilling of such wells, establishing spacing requirements for such wells, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I:

It is hereby declared to be the policy of this Commonwealth to protect the correlative rights of landowners and others having the right to search for and produce oil or gas, to the extent hereinafter provided, and it is the purpose of this Act to prevent, within the limitations hereinafter provided, the drilling of wells for oil or gas at such locations as to cause drainage of oil or gas from adjoining lands, unless such drainage is offset by counter-drainage. Because of the nature of oil-bearing formations in this Commonwealth and because of varying characteristics of oil-bearing formations in different areas of the Commonwealth, it is not deemed feasible at this time to establish spacing units for oil wells other than those drilled within the distances hereafter provided from the boundary lines of separately owned tracts of

land. However, the characteristics of gas-bearing formations in this Commonwealth are such as to make the establishment of spacing units for such wells desirable and necessary, and it is therefore the purpose of this Act, among other things, to establish spacing units of minimum area for gas wells hereafter drilled.

SECTION II:

As used in this Act, unless the context requires otherwise:

(1) *"Person"* means and includes an individual, partnership, firm, corporation, association, business trust, and any other entity, whether incorporated or unincorporated.

(2) *"Oil"* means crude petroleum and any other hydrocarbon produced in liquid form at the well head, and includes what is commonly known as casinghead gas produced in association with oil from the same formation from which oil is produced and through the same well bore from which oil is produced.

(3) *"Gas"* means dry natural gas and any other hydrocarbon produced in gaseous form at the well head, but does not include what is commonly known as casinghead gas produced in association with oil, from the same formation from which oil is produced through the same well bore.

(4) *"Oil Well"* means a bore hole drilled in search of oil or for the purpose of producing oil but shall not mean core test wells, stratigraphic test wells or wells drilled for information purposes only.

(5) *"Gas well"* means a bore hole drilled in search of gas or for the purpose of producing gas but shall not mean core test wells, stratigraphic test wells or wells drilled for information purposes only.

(6) *"Working interest"* means any interest in land which gives the owner thereof the right to search for and produce oil or gas, whether such interest is owned as an incident to the fee simple title, or is obtained by lease, or is otherwise held.

(7) *"Royalty interest"* means any interest in oil or gas other than a working interest, and includes the royalty interest commonly reserved by the lessor or lessors in an oil and gas lease, an over-riding royalty interest, an oil payment

interest, and any interest (other than a working interest) entitling the owner thereof to share in oil or gas produced, or the proceeds derived from the sale thereof.

(8) *"Producer"* means any person owning a working interest in land.

(9) *"Operator"* means the producer in charge of the drilling of an oil well or a gas well.

(10) *"Royalty owner"* means any person owning a royalty interest in land.

(11) *"Lease"* means a contiguous tract of land owned or held under lease or otherwise by the same producer or producers, whether or not leased for oil or gas purposes.

(12) *"Spacing unit"* means a contiguous tract of land within the boundaries of a lease or leases and is the minimum area attributable to a gas well.

(13) *"Secondary recovery"* means that recovery of oil or gas which may be obtained by the injection of air, gas, water or other substance into a reservoir of oil and/or gas for the purpose of augmenting the reservoir energy for the purpose of increasing the ultimaate recovery of oil and/or gas from the reservoir.

(14) *"Condensate"* means any petroleum hydrocarbon produced in liquid form at the surface and which existed in a gaseous form in the reservoir and which became liquid at the surface as a result of reduction in temperature aand pressure.

SECTION III:

No person shall hereafter drill or cause to be drilled an oil well or gas well without first obtaining from the State Geologist a permit for the drilling of such well in the manner hereinafter provided.

SECTION IV:

To obtain a permit for the drilling of an oil well or a gas well, the operator of such well shall file an application for a permit to drill such well with the State Geologist on a form to be prepared and furnished by the State Geologist, which application shall contain the following information:

(a) The name and address of the operator of such well and the name anad address of each producer having an interest in the well.

(b) A description of the lease on which the well is to be drilled, showing the number of acres contained therein.

(c) The approximate depth to which it is proposed to drill the well and the prospective horizon or horizons expected to be penetrated.

(d) Whether the well is expected to be an oil well or a gas well.

(e) Such information as to spacing aand allocation of acreage as maya be required by the State Geologist concerning any other well or wells drilled or being drilled on the same lease or on any lease or leases contiguous thereto.

(f) When such application is for the purpose of securing a permit primarily to drill for oil, said application shall be accompanied by a map or plat showing the adjacent boundary lines of the lease on which the well is proposed to be drilled; and the location of said propsed well.

(g) When said application is for the purpose of securing a permit primarily to drill for gas, said application shall be accompanied by a map or plat of survey made by a competent and capable engineer or surveyor, accurately showing the boundary lines of the lease on which the well is proposed to be drilled, and the exact location of the well, the shortest distance between the proposed well and the nearest boundary line of the lease on which it is to be drilled, and the bearings and distances of the courses from the proposed well to the two nearest corners of other monuments on the lease. Such map or plat shall be drawn to such scale as may be specified by the State Geologist.

SECTION V:

Within five (5) days after receipt of an application for a permit to drill a well and its accompanying plat or map on the form and containing the information above set forth, the State Geologist shall either issue a drilling permit pursuant to such application or shall deny such application by written notice to the operator of the proposed well, which notice shall state the reason or reasons for denial of the permit applied for.

SECTION VI:

The State Geologist shall not issue a permit for the

drilling of an oil well (except pursuant to an exception granted as hereinafter provided) unless the location of the well on the lease on which it is to be drilled conforms to the following requirements:

(a) If the well is to be completed in a sand formation at a depth not exceeding 650′, the well shall be at least 150′ from the nearest boundary line of the lease; and at least 300′ from any producing well along said boundary line, producing from same horizon.

(b) If the well is to be completed in a sand formation at a depth of more than 650′ but not more than 1600′, the well shall be at least 200′ from the nearest boundary line of the base; and at least 400′ from any producing well along said boundary line producing from same horizon.

(c) If the well is to be completed in a sand formation at a depth of more than 1600′, the well shall be at least 300′ from the nearest boundary line of the lease; and at least 600′ from any producing well along said boundary line producing from same horizon.

(d) If the well is to be completed in a limestone formation at a depth of not more than 1000′, the well shall be at least 150′ from the nearest boundary line of the lease; and at least 300′ from any producing well along said boundary line producing from same horizon.

(e) If the well is to be completed in a limestone formation at a depth of more than 1000′, but not more than 1600′, the well shall be at least 200′ from the nearest boundary line of the lease; and at least 400′ from any producing well along said boundary line producing from same horizon.

(f) If the well is to be completed in a limestone formation at a depth of more than 1600′, the well shall be at least 300′ from the nearest boundary line of the lease; and at least 800′ from any producing well along said boundary line, producing from same horizon.

(g) Any well commenced with the intention of drilling primarily for oil to any shallow depth which proves to be dry, the drilling may continue to a lower horizon provided the State Geologist and adjacent lease owners have been notified.

SECTION VII:

The State Geologist shall not issue a permit for the drilling of a gas well (except pursuant to an exception granted as hereinafter provided) unless the location of such well on the lease on which it is to be drilled conforms to the following requirements:

(a) The well shall be located at least 330′ from the nearest boundary line of the lease and at least 1320′ from any other gas well then producing or being drilled or on which a drilling permit has been issued, provided that the State Geologist shall grant a permit to applicant for any offset well, located not less than 330′ from the common boundary line, who is able and does comply with all the other provisions of this Act, including those contained in this section

(b) If the well is located east of the Cincinnati Arch (by which is meant the Anticline extending across this state in a general northerly and southerly direction as recognized by geologists generally) and is to be completed in the Berea sand formation or any formation above the Berea sand formation or any formation below the top of Corniferous or Niagara lime horizon, or if the well is located West of Cincinnati Arch and is to be completed in the Beaver formation (Basal Mississippian) or in any formation above the Beaver formation, the well shall be located on a spacing unit of at least forty (40) acres upon which is located no other gas well then producible from or being drilled into the same gas-bearing formation.

(c) If the well is located east of the Cincinnati Arch and is to be completed in any formation below the Berea sand and above Corniferous or Niagara Lime Horizon, or if the well is located west of the Cincinnati Arch and is to be completed in a formation below the Beaver formation, the well shall be located on a spacing unit of at least one hundred (100) acres upon which is located no other gas well then producible from or being drilled into the same gas-bearing formation.

(d) For the purposes of this, Section VII, a gas well covered by a pending application for drilling permit, and a gas well for which an unexpired permit has been issued but on which operations for drilling have not been commenced, shall be deemed to be a gas well which is being drilled.

(e) The State Geologist shall not grant a permit to drill a gas well below the top of the Corniferous or Niagara Lime as set out in sub-section "b" of this section in an area generally known to be productive in the Devonian or Brown shales but such application may be granted in the event the requirements of sub-section "c" of this section are complied with.

(f) When two or more applicants apply for a permit involving or effecting the same lease or a part thereof or an adjacent lease or leases, said applications shall be passed upon by the State Geologist in the order received.

SECTION VIII:

A permit issued for the drilling of an oil well or a gas well shall expire at the expiration of ninety (90) days from and after the date of its issuance unless operations for the drilling of such well are actually commenced in good faith within said period of ninety days. If and when a drilling permit expires as provided in this, Section VIII, the permit shall become and be thereafter void, with like effect as if it had never been issued, and the operator to whom the permit had been issued shall promptly surrender and deliver up such permit to the State Geologist.

SECTION IX:

For the purpose of determining the completed depth of an oil well or a gas well, the State Geologist shall establish a basing point for each area in which oil wells or gas wells are proposed to be drilled, each such area to be of such extent as the State Geologist may find to be adequate and proper for the purposes of the basing point established therefor. The basing point established by the State Geologist for any such area shall be the lowest estimated sub sea elevation of the producing formation in such area, as such level is determined by the State Geologist. The depth of each well completed in any such area shall be computed by vertical measurement from the basing point established by the State Geologist for such area.

SECTION X:

The provisions of Section VI and Section VII of this Act shall not apply:

(a) To an oil well or a gas well proposed to be drilled in accordance with a secondary recovery program for the lease on which the well is proposed to be drilled if the State Geologist finds that the producers owning such lease have in good faith adopted a secondary recovery program for such lease.

(b) To an oil well or a gas well proposed to be drilled at a location consented to in writing filed with the State Geologist, with the application for permit to drill such well, and signed by the producer or producers owning the entire working interest in the lease or leases which adjoin or are adjacent to the lease on which the proposed well is to be drilled and which have a boundary line or boundary lines nearer to the proposed well than the minimum distance specified in the applicable provision of Section VI or Section VII of this Act.

If the State Geologist finds that an oil well or a gas well covered by an application for a drilling permit comes within either of the exceptions provided for in this, Section X, the State Geologist shall issue a permit for the drilling of such well, as an exception to the applicable requirements of Section VI or Section VII, as the case may be.

SECTION XI:

The producer or producers owning the entire working interest in two or more adjoining leases may, by agreement with the owner or owners of the entire royalty interest in such leases, consolidate all, or contiguous parts of, such leases. If the consolidation of two or more adjoining leases, or of contiguous parts of two or more adjoining leases, is necessary to obtain a drilling permit in compliance with the requirements of this Act for an oil well or a gas well deemed necessary for the efficient drainage of the leases or parts of leases to be consolidated, and if any royalty owner having a royalty interest in any lease or part of lease to be included in the consolidated lease refuses to join with such producer or producers in an agreement for the consolidation of such leases or parts of leases, such producer or producers may file with the State Geologist, in addition to the application for drilling permit provided for in Section IV of this Act, an application for an order consolidating such leases or parts of

leases, which application shall be subscribed under oath by such producer or producers, or the agent of such producer or producers, and shall contain:

(a) An accurate description of each lease or part of lease to be consolidated.

(b) The name and address of each royalty owner having a royalty interest in any such lease or part of lease, with the nature and extent of his interest.

(c) The name and address of each producer having a working interest in any such lease or part of lease, with the amount of interest owned in each lease or part of lease.

(d) A statement that such producer or producers desire to consolidate such leases or parts of leases and that such consolidation is necessary for the efficient drainage thereof.

(e) Such other information as may be relevant.

Upon receiving such application the State Geologist shall file a date for hearing thereon and, at least ten (10) days prior to the date set for such hearing, shall cause notice thereof to be given by registered mail to each royalty owner and each producer having an interest in the leases or parts of leases to be consolidated. If the State Geologist, after hearing on such application, finds that the proposed consolidation is necessary for the efficient drainage of the leases or parts of leases to be consolidated, and to comply with the requirements of this Act, he shall enter an order for the consolidation of such leases or parts of leases, but otherwise shall enter an order dismissing the application for consolidation. If the State Geologist orders consolidation of such leases or parts of leases, the order for consolidation thereof shall allocate to each such unit its fair and equitable portion of the oil and gas produced in proportion to the acreage in the consolidation tract. The portion of production allocated to each such unit shall when produced be considered as if it had been produced from such unit by a well drilled thereon, and each royalty owner shall share in the production so allocated to the lease in which he owns a royalty interest on the basis of the lease or other contract in which his royalty interest was reserved or created.

SECTION XII:

The producer or producers owning the entire working interest in a lease or part of lease and desiring to drill thereon an oil well or gas well for which a drilling permit cannot be issued in compliance with this Act, may file with the State Geologist, in addition to the application provided for in Section IV hereof, an application for an exception from the requirements of the applicable provisions of Section VI or Section VII of this Act, which application shall be subscribed under oath by such producer or producers, or by the agent of such producer or producers, and shall contain:

(a) The name and address of each producer having a working interest in any lease which adjoins or is adjacent to the lease on which the well is proposed to be drilled and which has a boundary line nearer to the proposed well than the minimum distance specified by the applicable provision of Section VI or Section VII.

(b) That an effort has been made in good faith by the applicant or applicants to consolidate the lease or part of lease on which the well is to be drilled with the adjoining lease or leases or a part or parts thereof to the extent necessary to permit the drilling of an oil well or a gas well, in compliance with the requirements of this Act, on the leases or parts of leases attempted to be consolidated but that a producer or producers having all or parts of the working interest in such adjoining lease or leases or part or parts thereof have refused to join in such consolidation, and

(c) That the drilling of the proposed oil well or gas well is necessary to prevent loss or confiscation of the interest of the applicant or applicants in the oil or gas in the lease or part of lease held by the applicant or applicants.

Promptly upon receiving such application the State Geologist shall fix a date for hearing thereon and shall cause notice thereof to be given by registered mail, at least ten (10) days in advance of the date set for hearing, to each producer having a working interest in the lease or leases or part or parts thereof required to be consolidated to permit drilling of an oil well or a gas well in compliance with this Act. If the State Geologist, on hearing such application,

finds that the applicant or applicants have made an effort in good faith to consolidate the lease or part of lease held by the applicant or applicants with the adjoining lease or leases or part or parts thereof to the extent necessary to permit the drilling of an oil well or gas well in compliance with this Act on the lands attempted to be consolidated, on fair and equitable terms, but that one or more of the producers having the working interest in such adjoining lease or leases or part or parts thereof have refused without just cause to agree to such consolidation, and if the State Geologist further finds that the drilling of the well proposed to be drilled by the applicant or applicants is necessary to prevent loss or confiscation of the oil or gas underlying the lease or part of lease held by the applicant or applicants, the State Geologist shall issue a permit for the drilling of such well as an exception from the requirements of this Act, but otherwise the State Geologist shall enter an order denying the application.

SECTION XIII:

All hearings herein provided to be held by the State Geologist shall be public and all testimony offered and received at any such hearing shall be received under oath and reduced to writing. Any person aggrieved by an order entered by the State Geologist at any such hearing may appeal therefrom to the Circuit Court of the county in which the land affected thereby is located, by filing in such court within thirty (30) days after entry of the order appealed from, a petition for the review of such order, which petition shall be accompanied by a copy of the application on which the order was made, a copy of the record of testimony at the hearing, and a copy of the order appealed from. Such petition for review shall name as defendants the State Geologist and all parties to the proceeding before the State Geologist who are not joined as plaintiffs in the petition for review. Summons shall be served on the defendants named in such petition in the manner provided by law for service of summons in civil actions in equity commenced in such Circuit Court, and any defendant named in such petition shall enter appearance and file answer or other pleading

therein within the time allowed by law in civil actions in equity or be deemed to be in default and to have confessed the allegations of the petition for review. The petition for review shall be heard by the Circuit Court on the application and record of testimony filed with the petition and on such additional evidence, material to the controversy as may be received by the court. After hearing on the petition, the Circuit Court shall render judgment either confirming the order appealed from, or setting aside such order and directing the State Geologist to enter such other order as the Court may find to be just and equitable and in conformity with this Act. Any party to the proceeding on such petition for review who is aggrieved by the judgment entered by the Circuit Court thereon may appeal from such judgment to the Court of Appeals in the manner provided by law for appeals in equity from the Circuit Court to the Court of Appeals except said appeal shall be perfected within 120 days from the date of entry of final judgment.

SECTION XIV:

The operator of each oil well or gas well hereafter drilled in this state shall keep or cause to be kept a full and accurate log of such well, showing each formation penetrated by the well and the depth at which penetrated. Within one hundred eighty (180) days after completion of any such well, either as a producer or as a dry hole, the operator of the well shall file with the State Geologist a true copy of the log of such well and also a true copy of any electrical survey made of the well. Well logs and electrical survey records filed with the State Geologist shall be retained in his files as records of his office and available to inspection as other records of his office.

SECTION XV:

Any person who drills, or causes to be drilled, an oil well or a gas well without first having obtained a permit to drill such well in compliance with this Act shall be guilty of a misdemeanor and subject to a fine of not less than Fifty Dollars ($50) nor more than Five Hundred Dollars ($500).

SECTION XVI:

It shall be unlawful for any person to operate or produce an oil well or a gas well drilled without a drilling permit obtained in compliance with this Act and any person who operates or produces, or causes to be operated or produced, any such line well offsetting within distances provided by this Act, any adjacent property or lease or any adjacent properties or leases, shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) for each day that violation of this Section continues, each day's violation of this Section to be deemed a separate offense, total penalty shall not exceed Five Thousand Dollars ($5000).

SECTION XVII:

The drilling of an oil well or gas well without a drilling permit obtained in compliance with this Act, and/or the operating or producing of any oil well or gas well drilled without a drilling permit obtained in compliance with this Act, may be enjoined by the Circuit Court of the County in which such well is located, upon petition filed by the State Geologist or by any person having a royalty interest or a working interest in a lease which adjoins or is adjacent to the lease upon which such well is drilled and which has a boundary line nearer to such well than the distance specified by the applicable provision of Section VI or Section VII as the case may be. In any suit for injunction filed pursuant to this Section, the Circuit Court in which the suit is filed shall have jurisdiction to enter such preliminary and final orders, decrees and judgments as the court may find necessary to enforce the provisions of this Act. Upon such petition for injunction filed by the State Geologist, the Circuit Court may in its discretion enter a preliminary restraining order without bond, pending the final determination of the case.

SECTION XVIII:

It shall be unlawful for any person to purchase or transport, or cause to be purchased or transported, any oil or gas produced from an oil well or a gas well operations for the drilling of which are commenced after the effective date

of this Act, unless a permit for the drilling of such well has been issued by the State Geologist, and said purchaser shall not be guilty of a misdemeanor unless the State Geologist notifies said purchaser in writing that said well has been drilled without a legal permit. Any person violating this Section shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars ($100) and not more than Five Hundred Dollars ($500) for each day that such violation continues, each day's violation of this Section to be deemed a separate offense.

SECTION XIX:

The provisions of this Act shall not affect any well drilled or drilling before the date on which this Act goes into effect.

SECTION XX:

The provisions of this Act shall not affect any existing law unless inconsistent therewith.

SECTION XXI:

If any section or part thereof or subsection or part thereof of this Act shall be held invalid it shall not affect the remainder thereof.

By Messrs. Gilliam and Drury.

H. B. 423. An Act creating the Kentucky Geological Survey and defining its functions, and abolishing the Division of Geology in the Department of Mines and Minerals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Kentucky Geological Survey is hereby created and established with a single administrative officer, who is designated as Director and State Geologist.

(2) The office of said Survey shall be located on the campus of the University of Kentucky, in the quarters now occupied by the Geological Division of the Department of Mines and Minerals. The geological collections, records,

maps, reports, and accumulated property and equipment of the former Kentucky Geological Surveys, excepting the collections of the State Museum, are to be kept and maintained at the offices set aside for the Survey at Lexington, and the money necessary for their maintenance and for the maintenance of the said Survey shall be provided for from appropriations made to the Survey.

Section 2. The Governor shall appoint a technically trained geologist as Director and State Geologist. He shall have a thorough, scientific and practical knowledge of the sciences of geology, mineralogy, hydrography and allied subjects. He shall be a graduate in geology from a recognized University, and shall be possessed of at least ten years' experience in the field of geology, of which at least three years shall have been spent in the subject of geological problems in the State of Kentucky. He shall hold office for a term of four years unless removed by the Governor.

Section 3. It shall be the duty of the Director and State Geologist to give his entire and undivided attention to the administration of the affairs of the Kentucky Geological Survey; to visit any and all parts of the state so as to make himself familiar with the needs of each section; to supervise, outline and edit the work of his assistants; to advance the interests of Kentucky by presenting in person, or otherwise, before national geological meetings authoritative statements of the geological and mineral resources of the state; to undertake such field work as his time will permit, to advise and consult with any and all persons interested in the mineral resources development of the State, and perform such other duties as may properly pertain to his office. He shall have the supervision of the entire work of the Survey, and shall be responsible for the accuracy of same. He shall make a report biennially to the Governor, at the convening of the General Assembly, covering the activities accomplished by and proposed for the Kentucky Geological Survey. Under the direction and control of the Director and State Geologist, the corps of the Survey shall proceed to make careful geological, mineralogical, chemical, water, geophysical and soil surveys of the State; enter upon record an accurate state-

ment of the extent of water power, water courses and ground water resources; locate coal, oil, metalliferous deposits, clays, ores, building stones, etc.; report characteristics and compositions of soils and minerals; collect, analyze, classify and label specimens of rocks, fossils, ores, coals, oils, gases, minerals, soils and other natural resources of the state; and cause specimens of the above named exhibits of the state to be correctly labeled and preserved in the office of the Survey in Lexington or any other state museum or collection open to the public.

Section 4. The Director and State Geologist is authorized to employ competent assistant geologists paleontologists, topographers, surveyors, specialists and such stenographic and clerical assistants as may be required for the proper conduct of the affairs of the Survey. All traveling and field expenses of the Director and his assistants shall be paid out of funds appropriated for the Survey.

Section 5. The Director and State Geologist may enter into cooperative arrangements for geological, topographic, soil, water resource, and such other surveys as are properly within the scope of the Kentucky Geological Survey, with the Agricultural Experiment Station of the University of Kentucky, the United States Geological Survey, the United States Department of Agriculture, or other organizations or governmental departments; provided that in each case agreed upon the said organization or department shall furnish an amount of money or services equal to that allotted for such work by this Survey; and provided further, that such cooperative agreements shall be made and carried out so that in all things they will prove advantageous to the State of Kentucky.

Section 6. The salary of the Director and State Geologist shall be five thousand ($5,000) per annum, payable monthly as other salaries of state officers are paid.

Section 7. (1) The reports of the Survey shall be prepared, reviewed, edited and approved by the Director, who shall requisition the printing of same through the Commissioner of Finance.

(2) The Director is authorized to publish in newspapers, trade journals, geological magazines or in pamphlet form any geological discoveries or results of special interest.

(3) Reports and maps prepared by the Survey shall be issued, but a charge shall be made sufficient to cover postage and printing.

(4) Analyses of any minerals or cores may be made by or under the supervision of the Director and State Geologist for any citizen of this state, upon payment in advance of a sufficient sum to cover the cost of the analysis.

(5) All money received from the issuance of reports and maps and the making of analyses shall be kept apart and reused for the same purposes by the Survey.

Section 8. For the purpose of carrying into effect the provisions of this Act, any appropriation made to the Division of Geology in the Department of Mines and Minerals by the present session of the General Assembly, and any unencumbered balance of appropriations to such Division of Geology for the fiscal year 1945-1946 shall be transferred to and become available to the Kentucky Geological Survey established by this Act.

Section 9. Sections 351.200, 351.210, 351.220 and 351.230 of the Kentucky Revised Statutes of 1942, and any and all inconsistent Acts, are hereby repealed.

Section 10. Whereas there is early need of discoveries and development of the natural resources of the state for the purposes of providing employment, and the present provisions of the Statutes seem to be inadequate, an emergency is hereby declared to exist, and this Act shall become effective

By Mr. Prichard.

H. B. 424. An act imposing a tax on the production of coal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall operate a coal mine in this state for the production of coal for sale or exchange on a commercial

basis unless he has obtained from the Department of Revenue a permit to engage in the business of producing coal. At the time of the issuance of the permit he shall pay to the state, through the Department of Revenue, a tax of ten cents for each ton of coal for which the permit is issued. The permit shall authorize the production of as many tons of coal as is named in the permit, and upon such number of tons being produced such person shall not further operate the mine until he has obtained further permits for such additional tons as he desires to produce, and has paid the tax of ten cents for each ton of coal for which such further permits are issued.

§ 2. Coal shall be deemed to have been produced, for the purpose of this Act, when it has been weighed at the mine scales or if not so weighed when it has been placed in freight cars, trucks or other vehicles for shipment.

§ 3. The Department of Revenue shall have authority to promulgate such regulations as it may deem necessary for the enforcement of this Act and shall have the power, through its agents and representatives, to inspect the books, records and premises of all persons operating coal mines in this state.

§ 4. Any person who violates any of the provisions of Section 1 of this Act shall be fined not less than five hundred dollars nor more than one thousand dollars. Any person who produces coal without first obtaining the permit required by Section 1 of this Act and paying the tax imposed by that section shall be civilly liable for the taxes due and for a penalty of twenty percent on the amount of taxes due.

By Messrs. Brantley, Phillips, Spencer, Stone, Lucas, Edlin, Anderson, Coleman, Bonn.

H. B. 425. An Act relating to canvas and certification of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 125.190 of the Kentucky Revised Statutes is amended to read as follows:

The canvass and returns provided for in KRS 125.150 shall constitute the official returns of the precinct, unless within 48 hours after the close of the polls a candidate shall in writing request the County Election Commission to check and recanvass the voting machines of any precinct or any number of precincts. When such a request has been made the Election Commission shall immediately assemble and recheck and recanvass each machine and make a proper return thereof to the County Court Clerk, in which event the canvass and return shall become the official returns for the election. In making the recanvass the board shall make a record of the number of the seal upon the voting machine and without unlocking the machine against voting, recanvass the vote cast thereon. If, upon a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, the board with the assistance of the County Clerk, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause, if any, of the discrepancy in returns of the machine. Each registered counter shall be reset at zero before it is tested, after which it shall be operated at least one hundred times. After the completion of the examination and test, the county clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, the County Clerk shall then and there prepare a statement, in writing, giving in detail the result of the examination and test and statement shall be witnessed by the persons present, and shall be filed with the board. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly, except that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified.

At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present either in person or by a representative or both.

By Messrs. Preston and Wells.

H. B. 426. An act to amend Section 298.210 of the Kentucky Revised Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 298.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this Section, on and after November 1, 1946, any license issued to an insurance agent of an insurance company doing other than a life insurance business shall authorize him to act as such agent during the time for which the company appointing him is authorized to do an insurance business in this state and during the time he is a bona fide resident of this state; provided that upon cancellation of such license by the Director or by the company, or upon surrender of the same by the agent, such license shall be promptly returned to the Director. Annually and prior to the first day of November of each year every company shall file with the Director an alphabetical list of all its agents whose licenses are to remain in effect, with the correct office address, occupation or employment of each, and pay any annual fee for each which is required by law.

Any change in the address, occupation, or employment of a licensed agent shall be promptly reported to the Director by the agent and by the company that has licensed such agent.

(2) If the Director deems it necessary, he may require any licensed agent to submit a new application as of November 1st of any year.

By Messrs. Runyan and Trivette.

H. B. 427. An act relating to sick leave for school teachers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No teacher's salary schedule of any school district submitted for approval of the State Board of Education as required by KRS 161.150, shall be approved by the State Board of Education unless the schedule provides for sick leave, with full pay, for all teachers, of not less than five days during that school year; such days of sick leave not to be charged against the teacher or used as a basis for reducing the number of days to be taught by the teacher during the school term for that year. Any sick leave not utilized in the school year for which it is allowed shall not accumulate for utilization in any subsequent school year. The board of education of the school district shall require an affidavit of the teacher or the certificate of a physician as to illness for which sick leave is to be allowed.

Sec. 2. The term "teacher" for the purpose of section one of this act shall mean any person for whom certification is required as a basis of employment by boards of education in the public schools of the State with the exception of superintendents, supervisors, and attendance officers.

By Mr. Steinford.

H. B. 428. An act relating to the Mayor pro-tem and vacancies in office of Mayor and City Commissioners in certain cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1

That Section 89.520 of the Kentucky Revised Statutes, relating to the Mayor pro-tem and vacancies in the office of Mayor and City Commissioners in cities of the second class in this Commonwealth be amended and re-enacted so that as amended and re-enacted same shall read as follows:

(1) The Board of Commissioners shall, at the beginning

of its term of office, by a majority vote, elect one commissioner to act as Mayor pro-tem.

(2) During the temporary absence from the city or disability of the Mayor, the Mayor pro-tem shall be vested with all the powers and perform all the duties of the Mayor.

(3) In case of the death, resignation or permanent disability of the Mayor, the Mayor pro-tem shall act as Mayor and receive his salary, under the official title of Mayor pro-tem, until the vacancy in the office of Mayor is filled by an election ordered by the Board of Commissioners for that purpose. At that time the Mayor pro-tem, if his term as commissioner has not yet expired, shall resume his duties as commissioner.

If for any reason the members of the Board of Commissioners shall fail or refuse by majority vote for a period of fifteen days or more to select one of the members of such board as Mayor pro-tem then and in that event, the member of such Board of Commissioners who received the highest number of votes at the last general election held for members of such board as certified by the County Board of election Commissioners shall upon presentation to the Board of city Commissioners of a certificate signed by the Chairman of the County Board of election Commissioners certifying such fact immediately become Mayor pro-tem and become invested with the powers and receive the pay provided for in this section.

(4) If any commissioner is necessarily absent from the city for more than thirty days, or for the same period is unable to discharge the duties of his office, or if the Mayor pro-tem is filling the office of Mayor for such period, the Board of Commissioners may fill the office temporarily by appointment. The appointee shall discharge the duties of the commissioner whose place is thus temporarily filled until the commissioner returns or becomes fit for and resumes his duties. The temporary appointee shall serve without compensation.

(5) In the event of a permanent vacancy in the office of any commissioner caused by death, resignation or inability, or if a permanent vacancy in the office of Mayor is filled by the Mayor pro-tem, the vacancy shall be filled by appointment

by the other members of the board until the vacancy is filled by the election of a successor at the next general election of municipal officers. The temporary appointee, shall, for the time he serves as such, receive the salary of the commissioner whose place he has been appointed to fill.

When there is a tie vote in the Board of Commissioners in the selection of a city commissioner to fill a permanent vacancy and a deadlock results and continues for fifteen days or longer, the city clerk shall cause to be entered upon the minutes of the Board of city commissioners a notation reciting the facts as to the existence of such deadlock and the question upon which it has occurred and exists, and thereupon, unless an appointment to fill such vacancy is immediately made the Mayor or Mayor pro-tem whichever shall then be officially presiding, shall make such appointment.

(6) A vacancy shall exist when any elective officer fails to qualify, dies, resigns, moves his domicile outside the city, remains outside the city for a period of six months, is convicted of a felony, is judicially declared insane, or is removed from office in any manner. In cities of the second and third classes elective officers must qualify within ten days after receiving notice of their election. In cities of the fourth class elective officers must qualify on or before the first Monday in January following their election.

SECTION 2

WHEREAS, this act will expedite the administration of the affairs of municipalities affected thereby and prevent confusion and uncertainty as to the legality of their official acts, an emergency is declared to exist and this act shall take effect and be in force from and after its approval by the Governor.

By Mr. Steinford.

H. B. 429. An act relating to veterans division of Dept. of Military Affairs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Disabled American Veterans of the Department of Kentucky shall assist in the rehabilitation of the Disabled Veterans who are citizens of Kentucky and shall be allowed the sum of Fifteen Thousand ($15,000.00) Dollars, which sum shall be appropriated from the Kentucky Disabled Ex-Servicemen's Board, and that such appropriation shall be prorated from the funds appropriated to the Kentucky Disabled Ex-Servicemen's Board under Section 36.060 of the Kentucky Revised Statutes.

By Mr. Steinford.

H. B. 430. An act relating to payment of fee to Attorney appointed by Circuit Court to represent defendants without funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When an Attorney has been assigned by the Circuit Courts of the Commonwealth of Kentucky, to represent a defendant or defendants without sufficient money to employ an attorney, as provided under Section 11 of the Constitution of the State of Kentucky, said attorney shall be allowed a reasonable fee for defending such defendant or defendants of not less than $50.00 nor more than $500.00. Said allowance to be at the discretion of the Circuit Court Judges and shall be paid by the County wherein the defendants are indicted.

By Mr. Weintraub.

H. B. 431. An act relating to public works and improvements, on the special assessment plan, in cities of all classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any city of any class, in any case where all or part of the cost of constructing or improving a public way, sewer, sewerage system or water line is authorized to be assessed against abutting or benefited property, any such assessment shall be valid, in the case of vacant or unimproved lots or parcels of real estate, to the extent it does not exceed seventy-five percent of the value of the lot or parcel, and, in the case of lots or parcels on which there is a dwelling or similar improvement or appurtenance, to the extent it does not exceed fifty percent of the value of such lot or parcel with such dwelling or similar improvement or appurtenance; in both cases the value of the improvement for which the assessment is made shall be taken into consideration in fixing the value of the property. This section is intended to supersede any existing statute otherwise providing.

§ 2. In any city of any class, in any case where all or any part of the cost of constructing or improving a sewer or sewerage system is assessed, according to law, upon abutting property in accordance with the number of front or abutting feet, any lot or parcel of real estate which abuts upon the public way under or along which the sewer is constructed shall, if the sewer extends to and reaches either property line of such lot or parcel on such public way so as to be available for service to such lot or parcel, assessable according to the total number of feet of such lot or parcel that front or abut upon such public way, the same as if the sewer extended across the entire frontage of such lot or parcel. For the purposes of this section, any piece of real estate occupied and used as the grounds and yard area of a single dwelling shall be deemed to be one lot or parcel, notwithstanding that the same may be platted as separate lots.

§ 3. In any city of any class, if any assessment or assessment installment for a public improvement is not paid when due, the official charged by law with the duty of collecting or receiving payment of the same shall cause the amount thereof, including penalties and interest, to be placed upon the next tax bill for general city taxes, and the official charged with the duty of collecting the general city taxes shall collect the same at the same time and in the same man-

ner as he collects the general city taxes. The assessment or assessment installment, with penalties and interest, so placed upon the tax bill, shall have the same status and lien as general city taxes, and no distinction or priority shall exist between the same and the general city taxes in the collection thereof. This section is intended to supersede any existing statute otherwise providing.

§ 4. In any city of any class, it may be provided, in the ordinance by which the cost of improving or constructing any water line or street is apportioned to abutting or benefited property, that in the case of corner lots along the side of which such an improvement extends, any such corner lot, to the extent its side footage along which the improvement extends does not exceed one hundred and seventy feet, shall be assessable only for one-half of such footage, and in apportioning the cost of such improvement to the various property owners, one-half of the footage of such corner lots shall not be counted as assessable footage.

§ 5. In any city of any class, it may be provided, in any ordinance providing for the construction or improvement of a street, that the cost of intersections be assessed against the benefited property on either or both of the intersecting streets.

§ 6. Any city may provide for the construction or improvement of more than one street in the same ordinance, and let a contract accordingly, provided that the improvements, including the intersections, on all of the streets included in such ordinance, are to be of the same type of construction.

By Mr. Pritchard.

H. B. 432. An act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.150 of the Kentucky Revised Statutes is amended to read as follows:

A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically desig-

nated in the license, and to transport for himself only any malt beverage which he is authorized by his license to manufacture or sell, but he shall transport such malt beverages in accordance with the requirements provided by KRS 243.150 for distillers. A brewer may sell any malt beverage produced under his license, at wholesale or retail, from the licensed premises only, and without any additional license, subject to the following restrictions:

(a) A brewer may not sell malt beverages to any licensed retailer unless the licensed premises of such retailer are within a radius of thirty miles of the licensed premises of the brewer.

(b) A brewer may not transport malt beverages sold at retail to any place other than the residence of a consumer in the county in which the licensed premises of the brewer are located, which consumer has purchased the same for home consumption and not for resale.

By Messrs. Spencer, Clyde S. Howard, Arrowood, and Love.

H. B. 433. An act to promote safe driving, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I

SECTION 1—DEFINITIONS

The following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(a) "Department" means the Department of Revenue, except where otherwise specified herein.

(b) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(c) "Judgment"—Any judgment which shall have become final by expiration without appeal of the time within

which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(d) "Motor Vehicle"—Every self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(e) "License"—Any operator's license, temporary instruction permit or temporary license issued under the laws of this State pertaining to the licensing of operators.

(f) "Non-resident"—Every person who is not a resident of this State.

(g) "Non-resident's Operating Privilege"—The privilege conferred upon a non-resident by the laws of this State pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this State.

(h) "Operator"—Every person who is in actual physical control of a motor vehicle.

(i) "Owner"—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

(j) "Person"—Every natural person, firm, co-partnership, association or corporation.

(k) "Proof of Financial Responsibility"—Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective data of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of $5,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of $10,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $1,000 because of injury to or destruction of property of others in any one accident.

(l) "Registration"—Registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of motor vehicles.

(m) "State"—Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

ARTICLE II

SECTION 2—DEPARTMENT TO ADMINISTER ACT

(a) The Department shall administer and enforce the provisions of this Act and may make rules and regulations necessary for its administration.

(b) Any person aggrieved by an order or act of the Department under the provisions of this Act, may, within twenty days after notice thereof, bring an action against the Department in the Circuit Court of the county in which the accident or violation of law upon which the action of the Department was based occurred to vacate or set aside the order or action of the Department on the ground that it is unlawful or unreasonable. The answer of the Department shall be served and filed within twenty days after the service of the complaint. The action shall then be at issue and stand ready for trial upon ten days notice to either party, on the equity side of the docket of the Court. The answer need not deny verbatim the allegations of the complaint, but a general denial thereof on behalf of the Department shall be sufficient. The filing of such action shall not suspend the order or act of the Department unless a stay thereof shall be granted by the Court pending final determination of the review. Injunctive

relief may also be granted by the Court in the manner and upon the terms provided by law.

SECTION 3—DEPARTMENT TO FURNISH OPERATING RECORD.

The Department shall, upon request, furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the Department shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

ARTICLE III

SECURITY FOLLOWING ACCIDENTS

SECTION 4—REPORT OF ACCIDENT REQUIRED

(a) The operator of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed or injured or in which damage to the property of any one person including himself, in excess of $50 is sustained, shall immediately report the matter in writing to the Department of Revenue. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident, shall, as soon as he learns of the accident, report the matter in writing to the Department. The operator or the owner shall make such other and additional reports relating to such accident as the Department of Revenue shall require.

(b) Failure to report an accident as herein provided or failure to give correctly the information required of him by the Department of Revenue in connection with such report shall be a misdemeanor and, in the event of injury or damage to the person or property of another in such accident, shall also constitute a ground for suspension or revocation of

1. the license or registration for any motor vehicle, or

of all such licenses and registrations of the person failing to make such report as herein required, and

2. the non-resident's operating privilege of such person.

SECTION 5—SECURITY REQUIRED FOLLOWING ACCIDENT UNLESS EVIDENCE OF SUSPENSION FOR FAILURE TO DEPOSIT SECURITY

(a) The Department of Revenue, within 30 days after receiving the report of the accident as required under Section 4, shall suspend the license of each operator and all registrations of each owner certified as required to deposit security under this Section, and, if such operator is a non-resident, the privilege of operating a motor vehicle within this State, and, if such owner is a non-resident, the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum determined by the Department as sufficient to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the Department to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security.

(b) This section shall not apply:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. To such operator, if not the owner of such motor vehicle if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond; or

4. To any person qualifying as a self-insurer under Section 34.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety com-

pany authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than $10,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $1,000 because of injury to or destruction of property, of others in any one accident.

Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish for filing with the Department a written notice that such policy or bond was in effect at the time of such accident.

SECTION 6—EXCEPTIONS TO REQUIREMENT OF SECURITY

The requirements as to security and suspension in Section 5 shall not apply:

1. To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

2. To the operator or the owner of a motor vehicle legally parked at the time of the accident.

3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permis-

sion, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

4. If, prior to the date that the Department would otherwise suspend license and registration or non-residence operating privilege under Section 5, there shall be filed with the Department evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

SECTION 7—DURATION OF SUSPENSION

The license and registration and non-resident's operating privilege suspended as provided in Section 5 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until

1. Such person shall deposit or there shall be deposited on his behalf the security required under Section 5; or

2. One year shall have elapsed following the date of such accident and evidence satisfactory to the Department has been filed with it that during such period no action for damages arising out of such accident has been instituted; or

3. Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of non-liability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with Subdivision 4 of Section 6; provided, however, in the event there shall be any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the Department shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under

any duly acknowledged written agreement, then, upon notice of such default, the Department shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until (1) such person deposits and thereafter maintains security as required under Section 5 in such amount as the Department may then determine, or (2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this State.

SECTION 8—APPLICATION TO NON-RESIDENTS, UNLICENSED DRIVERS AND UNREGISTERED MOTOR VEHICLES.

In case the operator or the owner of a motor vehicle involved in an accident within this State has no license or registration, he shall not be allowed a license or registration until he has complied with the requirements of this Article to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

SECTION 9—FORM AND AMOUNT OF SECURITY

The security required under this Article shall be in such form and in such amount as the Department of Revenue may require but in no case in excess of the limits specified in Section 5. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the Department of Revenue or State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

The Department may reduce the amount of security ordered in any case within 6 months after the date of the accident, if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the

excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 10.

SECTION 10—CUSTODY, DISPOSITION AND RETURN OF SECURITY

Security deposited in compliance with the requirements of this article shall be placed by the Department of Revenue in the custody of the State Treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subdivision 3 or Section 7, and such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the Department has been filed with it that there has been a release from liability, or a final adjudication of non-liability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with Subdivision 4 of Section 6, or whenever, after expiration of one year from the date of the accident, or within one year after the date of deposit of any security under Subdivision 3 of Section 7, the Department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

SECTION 11—MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS

Neither the report required by Section 4, nor the action taken by the Department of Revenue pursuant to this Article, the findings, if any, of the Department upon which such action is based, nor the security filed as provided in this Article shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

ARTICLE IV
PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

SECTION 12—COURTS TO REPORT NON-PAYMENT OF JUDGMENTS AND CONVICTIONS

(a) Whenever any person fails within 60 days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this State, to forward to the Department immediately after the expiration of said 60 days, a certified copy of such judgment.

If the defendant named in any certified copy of a judgment reported to the Department is a non-resident, the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

(b) The clerk of the court, or the judge of a court which has no clerk, in which any conviction for violation of a motor vehicle law is rendered, or in which a person charged with violation of a motor vehicle law has pleaded guilty or forfeited bail, shall forward immediately to the department a certified copy of the judgment, order or record of other action of the court. This copy shall be prima facie evidence of the conviction, plea or other action stated.

SECTION 13—SUSPENSION FOR NON-PAYMENT OF JUDGMENTS

(a) Upon the receipt of a certified copy of a judgment, the Department shall forthwith suspend (except as provided in Section 16) the license and registration and the non-resident's operating privilege of any person against whom such judgment was rendered.

(b) If the judgment creditor consents in writing, in such form as the Department may prescribe, that the judgment debtor be allowed license and registration or non-resident's operating privilege, the same may be allowed by the Department, in its discretion, for 6 months from the date of such

consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 16 provided the judgment debtor furnishes proof of financial responsibility.

SECTION 14—SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN

Such license, registration and non-resident's operating privilege shall (except as provided in Section 16) remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of financial responsibility.

SECTION 15—PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS

Judgments in excess of the amounts specified in Section 1 (j) shall, for the purpose of this Act only, be deemed satisfied when payments in the amount so specified have been credited thereon; provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

SECTION 16—INSTALLMENT PAYMENT OF JUDGMENTS—DEFAULT

(a) A judgment debtor upon due notice to the judgement creditor may apply to the Court in which such judgment was rendered for the privilege of paying such judgment in installments and the Court, in its dsicretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Department shall not suspend a license, registration or a non-resident's operating privilege, and shall re-

store any license, registration or non-resident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

(c) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the Department shall forthwith suspend the license, registration or non-resident's operating privilege of the judgment debtor until such judgment is satisfied as provided in this Act.

SECTION 17—PROOF REQUIRED UPON CERTAIN CONVICTIONS

(a) Whenever the Department, under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the Department shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(b) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon

the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the Department suspends or revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

SECTION 18—ALTERNATE METHODS OF GIVING PROOF

Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give such proof and may be given by filing:

1. A certificate of insurance as provided in Section 19 or Section 20; or

2. A bond as provided in Section 24; or

3. A certificate of deposit of money or securities as provided in Section 25.

SECTION 19—CERTIFICATE OF INSURANCE AS PROOF

(a) Proof of financial responsibility may be furnished by filing with the Department the written certificate of any insurance carrier duly authorized to do business in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial

responsibility unless such motor vehicle is so designated in such a certificate.

SECTION 20—CERTIFICATE FURNISHED BY NON-RESIDENT AS PROOF

(a) The non-resident owner of a motor vehicle not registered in this State may give proof of financial responsibility by filing with the Department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this Act, and the Department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

1. Said insurance carrier shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State;

2. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the Department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

SECTION 21—"MOTOR VEHICLE LIABILITY POLICY" DEFINED

(a) A "motor vehicle liability policy" as said term is used in this Act shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 19 or Section 20 as proof of financial responsibility, and issued, ex-

cept as otherwise provided in Section 20, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance.

1. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: $5,000 because of bodily injury to or death of one person in any one accident, and subject to said limit for one person, $10,000 because of bodily injury to or death of two or more persons in any one accident, and $1,000 because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy; the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(e) Such motor vehicle liability policy shall not insure any liability under any Workmen's Compensation Law nor any liability on account of bodily injury to or death of an

employe of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Subdivision 2 of Subsection (b) of this Section.

4. The policy, the written application therefor, if any, and rider or endorsement which does not conflict with the provisions of the Act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this Section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SECTION 22—NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY

When an insurance carrier has certified a motor vehicle liability policy under Section 19 or a policy under Section 20, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the Department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

SECTION 23—ACT NOT TO AFFECT OTHER POLICIES

(a) This Act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this Act, may be certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

SECTION 24—BOND AS PROOF

(a) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this State, or a bond with at least two individual sureties each owning real estate within this State, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in Section 1 (j). Such bond shall be filed with the Department and shall not be cancelable except after ten days written notice to the Department. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the Department in the office of the proper clerk or court of the county or city where such real estate shall be located.

(b) If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

SECTION 25—MONEY OR SECURITIES AS PROOF

(a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him $11,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of $11,000. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the Department shall not accept such certificate

unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

SECTION 26—OWNER MAY GIVE PROOF FOR OTHERS

Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the Department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The Department shall designate the restrictions imposed by this Section on the face of such person's license.

SECTION 27—SUBSTITUTION OF PROOF

The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substititution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

SECTION 28—OTHER PROOF MAY BE REQUIRED

Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for

which required, the Department shall for the purpose of this Act, require other proof as required by this Act, and shall suspend the license and registration or the non-resident's operating privilege pending the filing of such other proof.

SECTION 29—DURATION OF PROOF—WHEN PROOF MAY BE CANCELLED OR RETURNED

The Department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

1. At any time after three years from the date such proof was required when, during the three-year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or non-resident's operating privilege of the person by or for whom such proof was furnished; or

2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. In the event the person who has given proof surrenders his license and registration to the Department;

Provided, however, that the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence

thereof in the absence of evidence to the contrary in the records of the Department.

Whenever any person whose proof has been cancelled or returned under Subdivision 3 of this Section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such three-year period.

ARTICLE V

VIOLATION OF PROVISIONS OF ACT—PENALTIES

SECTION 30—TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF ACT PROHIBITED

If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the Department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this Act. Nothing in this Section shall be held to apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such motor vehicle from a person whose registration has been suspended under the provisions of this Act.

SECTION 31—SURRENDER OF LICENSE AND REGISTRATION

Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the Department shall immediately return his license and registration to the Department. If any person shall fail to return to the Department the license or registration as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and return the same to the Department.

SECTION 32—OTHER VIOLATIONS—PENALTIES

(a) Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this Act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than $500 or imprisoned not exceeding six months, or both.

(b) Any person willfully failing to return license or registration as required in Section 31 shall be fined not more than $500 or imprisoned not to exceed thirty days, or both.

(c) Any person who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe it is forged or signed without authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(d) Any person who shall violate any provisions of this Act for which no penalty is otherwise provided shall be fined not more than $500 or imprisoned not more than ninety days, or both.

ARTICLE VI

GENERAL PROVISIONS

SECTION 33—EXCEPTIONS

This Act shall not apply with respect to any motor vehicle owned by the United States, this State or any political subdivision of this State or any municipality therein; nor, except for Sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of Chapter 281, KRS.

SECTION 34—SELF-INSURERS

(a) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in Subsection (b) of this Section.

(b) The Department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than five days' notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SECTION 35—REPEAL OF EXISTING LAWS

1. Chapter 187, Sections 187.010 to 187.990, inclusive, of KRS, is hereby repealed except with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

2. This Act shall in no respect be considered as a repeal of any other State Motor Vehicle Laws but shall be construed as supplemental thereto.

SECTION 36—PAST APPLICATION OF ACT

This Act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

SECTION 37—ACT NOT TO PREVENT OTHER PROCESS

Nothing in this Act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

SECTION 38—CONSTITUTIONALITY

If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this

Act if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 39—TITLE OF ACT

This Act may be cited as the Motor Vehicle Safety-Responsibility Act.

SECTION 40—EFFECTIVE DATE

This Act shall be effective from and after January 1, 1947.

By Mr. Bingham.

H. B. 434. An Act relating to fish ladders.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State, under the supervision of the Division of Game and Fish, shall cause to be constructed adequate fish ladders on all dams on all non-navigable rivers and other streams under State control.

By Mr. McClure.

H. Res. 91. A resolution authorizing Humphrey Collins (colored) to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Humphrey Collins (colored) is authorized to sue the Commonwealth of Kentucky in the Webster County Circuit Court for damages resulting from personal injury caused by alleged negligence on the part of the employees of the Department of Highways of Kentucky while said employees were in the line of duty as employees of this Commonwealth.

Said suit shall be for a sum not in excess of $1000.00.

The Attorney General of the Commonwealth of Ken-

tucky may investigate the claim against the Commonwealth herein and settle said claim before or after the suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Stapleton.

H. Res. 93. Resolution authorizing the Commissioner of Finance to pay to Billie Dixon, who was Commonwealth Attorney of 32nd Judicial District, etc.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Finance Commissioner be and he is hereby authorized and directed to draw and issue his voucher and warrant, payable to Billie Dixon, on the Treasury of the Commonwealth of Kentucky, in an amount equal to the salary and compensation that was withheld by the Department of Finance by reason of his service in the armed forces of the United States of America.

By Mr. Lowman.

H. Res. 94. Resolution authorizing John L. Harris to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT John L. Harris, of Boyd County, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Boyd County Circuit Court, for compensation due him for services rendered as a deputy state fire marshal during the first eighteen days of September, 1944, for which compensation the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of $78.

The Attorney General may investigate the claim and may settle the claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for compensation to the said John L. Harris, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount to be awarded.

Ordered that said bills and resolutions be printed and referred.

Mr. Slusher moved that the Rules of this House be suspended and that a resolution entitled:

H. Res. 46. Resolution authorizing the payment of claims to C. D. Williams.

Which was reported by the Committee on Claims on February 8, with the expression of opinion that said resolution ought not to pass,

Be recommitted to the Committee on Claims.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 46. An Act relating to closing of public offices in cities of certain classes at 1:00 p. m. on Saturday.

H. B. 70. An Act transferring balances of funds of toll free bridges to Sinking Fund of Livermore and Rockport Bridges.

H. B. 317. An Act relating to bridges of cities of the first class.

H. B. 362. An Act relating to eligibility for public assistance.

H. B. 294. An Act relating to users of narcotic drugs.

H. B. 296. An Act making provision for the representation and protection of the rights and interests of minor children, etc.

H. B. 371. An Act amending Sec. 435.240 (1) KRS.

H. B. 258. An Act relating to quarters, food and lodging of jurors.

H. B. 297. An Act relating to juries with particular reference to the supplying of a deficiency in the grand jury list.

H. B. 203 An Act regulating payment of county commissioners.

H. B. 270. An Act relating to the circuit court of Jefferson County.

H. B. 293. An Act relating to juries.

H. Res. 28. Resolution providing for the payment of the per diem of the late J. T. Linton.

H. B. 265. An Act relating to county road employes, etc.

H. B. 89. An Act relating to the use of metal welding apparatus.

With a Committee amendment thereto.

H. B. 341. An Act to amend Chapter 342. KRS relating to workmen's compensation.

H. B. 321. An Act pertaining to motor carriers and providing for a tax or registration fee.

S. B. 48. An Act amending Sec. 95.570, 96.580 and 96.600 KRS and repealing all other acts and parts of acts, etc.

With Committee amendments thereto.

H. B. 2. An Act relating to county roads.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 352. An Act relating to deputy clerks.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 194. An Act relating to banks and trust companies

and providing for additional powers and the expansion of consumer credit.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That a new section of the Kentucky Revised Statutes is hereby created providing for additional powers to banks and trust companies and combined banks and trust companies, said section to be numbered Section 287.215 and to read as follows:

"287.215 *Additional powers for banks and trust companies and combined banks and trust companies.* In addition to the powers heretofore granted, any bank and trust company or combined bank and trust company shall have the power to lend money either upon the security of real or personal property, or otherwise; to charge or to receive in advance interest therefor; to contract for a charge for a secured or unsecured installment loan, which in principal amount shall not exceed thirty-five hundred dollars, and which under its terms shall be repayable in substantially equal installments over a period of not exceeding three years and thirty-two (32) days, which charge shall be at a rate not exceeding six dollars per one hundred dollars per annum upon the original face amount of the instrument or instruments evidencing the loan for the entire period of the loan, and which such charge may be collected in advance.

Delinquency charges may be made not to exceed five cents for each dollar of each installment more than fifteen days in arrears, and only one delinquency charge shall be made on any one installment.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 194 on page 2, section 1, line 21 by adding after the last word in this line the following words: "No

delinquency charge shall exceed Five ($5.00) Dollars on any one installment."

Mr. Brown offered the following amendment in lieu of the amendment as proposed by the Committee, viz.:

Amend H. B. 194, on pages 1 and 2, section 1 lines 5 to 21 by striking all of lines 5 to 21 inclusive, and inserting in lieu thereof the following:

287.215. *Additional powers for banks and trust companies and combined banks and trust companies.* (1) In addition to the powers heretofore granted, any bank and trust company or combined bank and trust company shall have the power to lend money either upon the security of personal property, or otherwise; to charge or to receive in advance interest therefor; to contract for a charge for a secured or unsecured installment loan, which in principal amount shall not exceed five thousand dollars, and which under its terms shall be repayable in substantially equal installments over a period of not exceeding three years and thirty-two (32) days, which charge shall be at a rate not exceeding six dollars per one hundred dollars per annum upon the first two thousand dollars of the principal amount of the loan, and not exceeding five dollars per one hundred dollars per annum upon the excess of the principal amount of the loan over two thousand dollars, which charge or charges shall be for the entire period of the loan and may be collected in advance.

(2) Delinquency charges may be made not to exceed five cents for each dollar of each installment more than fifteen days in arrears, and only one delinquency charge shall be made on any one installment. No delinquency charge shall exceed five dollars on any one installment.

(3) If a loan is paid in full prior to maturity, the lending institution shall make a rebate at a rate not less than six (6) percent per annum of the amounts so paid in advance of the due date, if the maximum financing charge permitted hereunder has been taken. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

(4) In the case of loans made under this section the lending institution shall not take any lien upon real estate as security, except such lien as is created by virtue of a judgment or decree. Provided, however, that nothing in this section is intended to prevent lending institutions from making loans under the provisions of the National Housing Act, which loans are hereby authorized.

(5) KRS 288.160 and 360.010 shall not apply to loans made under authority of this section, but said sections shall remain in full force and effect for all other purposes, and nothing in this section shall be construed to impair the validity or effect of said sections with respect to loans other than those made pursuant to this section.

Mr. Weintraub moved that said bill be recommitted to the Committee on Banking and retain its place in the Orders of the Day.

Said motion was disagreed to.

Said amendment as offered by Mr. Brown in lieu of the amendment as proposed by the Committee, was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	B. J. Bonn	S. J. Daugherty
Henry Arrowood	J. C. Bradley	E. R. Denny
F. O. Baker	B. K. Brantley	Adron Doran
Harold L. Barnes	John Y. Brown	G. I. Drury
F. H. Bassett, Jr.	Chas. W. Burnley	Forest C. Easley
W. G. Biggers	W. K. Coleman	Eck Embry

R. R. Ernst	W. E. McClure	Forrest Smith
A. H. Eversole	Jack McPherron	W. R. Smith
Tom Gilliam	J. Lee Moore	E. A. Spencer
M. B. Gilligan	Fred Morgan	Paul J. Stapleton
Otto W. Goff	E. C. Mullins	L. S. Stephens
Harold G. Helm	Rodes K. Myers	Ralph G. Stone
Maurice Howard	J. C. Newcomb	C. W. Taylor
Jerry F. Howell	Thos. A. Noe	E. L. Thompson
Ira W. Hulette	Joe E. Nunn	Ray G. Tipton
W. H. Hunt	Louis T. Peniston	E. N. Todd
Paul Jonas	Sylvester Phillips	Walter L. Trivette
L. H. Jones	L. W. Preston	S. J. Wagner
Edgar Kitchen	E. F. Prichard	Harry F. Walters
Homer E. Losey	Wade H. Riley	Lyle H. Webb
A. L. Love	Kelse H. Risner	W. W. Webster
E. J. Lucas	Amos Runyan	Geo. J. Weining
F. G. Marquette	J. W. Simmons	Rodney Whitlow
E. H. Martin	Luther Slusher	—71

Those who voted in the negative were—

Harry L. Moore	Morris Weintraub	—2

Resolved that the title thereof be as aforesaid.

Mr. W. R. Smith moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Love moved that the Rules of this House be suspended and that a resolution entitled:

H. Res. 63. Resolution authorizing payment of witness claim to Maude Bailey.

Be taken up for immediate consideration from its place in the Orders of the Day.

(Without objection, said motion was withdrawn.)

Mr. Runyon of the Committee on Enrollment to which same had been referred, reported that they had examined and

found to be correctly enrolled, resolutions of the following titles, viz.:

H. Res. 69. Resolution designating Miller-Horton Hall of the Morehead State College in honor of the late Len Miller and "Buck" Horton.

H. Res. 24. Resolution authorizing the payment of witness claim allowed by the Pulaski Circuit Court, to Charles Hamilton of Somerset.

Thereupon all other business was suspended, said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolutions, duly signed by the President of the Senate, into possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 111. An Act relating to registered nurses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 314.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the board except the secretary-treasurer shall receive five dollars per day for each day actually engaged in attendance upon its meetings.

(2) The secretary-treasurer shall receive a salary fixed by the board.

(3) Each member of the board shall receive his expenses in going to and from places of meetings, and all legitimate and necessary expenses incurred in the performance of his duties.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	R. M. Hall	Rodes K. Myers
Henry Arrowood	C. L. Hammonds	J. C. Newcomb
F. O. Baker	Harold G. Helm	Thos. A. Noe
Harold L. Barnes	E. R. Hilton	Joe E. Nunn
F. H. Bassett, Jr.	Jerry F. Howell	Louis T. Peniston
W. G. Biggers	J. J. Huff	Sylvester Phillips
B. J. Bonn	Ira W. Hulette	L. W. Preston
J. C. Bradley	W. H. Hunt	E. F. Prichard
John Y. Brown	Paul Jonas	Hobart Rayburn
Chas. W. Burnley	Edgar Kitchen	Wade H. Riley
L. A. Demumbrun	Homer E. Losey	Kelse H. Risner
E. R. Denny	A. L. Love	Amos Runyan
Adron Doran	E. J. Lucas	J. W. Simmons
G. I. Drury	F. G. Marquette	Luther Slusher
Forest C. Easley	E. H. Martin	Forrest Smith
Eck Embry	W. E. McClure	E. A. Spencer
R. R. Ernst	Jack McPherron	Paul J. Stapleton
A. H. Eversole	Harry L. Moore	Geo. W. Steinford
Tom Gilliam	J. Lee Moore	L. S. Stephens
M. B. Gilligan	E. C. Mullins	Ralph G. Stone

C. W. Taylor	E. N. Todd	W. W. Webster
E. L. Thompson	Walter L. Trivette	Geo. J. Weining
Ray G. Tipton	Lyle H. Webb	Morris Weintraub

—69

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 208. An Act to establish a portion of the boundary line between Knox and Laurel Counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the Park Hill and Camp Ground Road, as it runs in a general northerly direction from the Barbourville Highway to the Laurel County Line, is hereby found and declared to be the correct boundary line between Knox and Laurel Counties.

Sec. 2. That the tracts of land owned by Bart Jones, the Frazier Black Heirs, Nannie Daniels, P. R. Scalf and wife, and Virgil Wagners, all of which tracts of land are located on the east side of the Park Hill and Camp Ground Road, are hereby found and declared to be situated in Knox County.

Sec. 3. (1) The County Clerk of Laurel County is hereby directed to certify to the County Clerk of Knox County the titles to the various tracts of land referred to in section two of this Act for recording in Knox County.

(2) Knox and Laurel Counties shall each bear its proportionate share of the costs of transfer of titles.

(3) The county tax Commissioner of Laurel County shall hereafter omit from his assessment lists the tracts of

land referred to in section two of this Act, and the county tax commissioner of Knox County shall add those tracts of land to his next assessment lists.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	J. J. Huff	L. W. Preston
Henry Arrowood	Ira W. Hulette	E. F. Prichard
F. O. Baker	W. H. Hunt	Wade H. Riley
Harold L. Barnes	Paul Jonas	Kelse H. Risner
W. G. Biggers	L. H. Jones	Amos Runyan
B. J. Bonn	Homer E. Losey	J. W. Simmons
J. C. Bradley	A. L. Love	Luther Slusher
John Y. Brown	E. J. Lucas	Forrest Smith
Chas. W. Burnley	F. G. Marquette	E. A. Spencer
W. K. Coleman	E. H. Martin	Paul J. Stapleton
E. R. Denny	W. E. McClure	Geo. W. Steinford
Adron Doran	Jack McPherron	L. S. Stephens
G. I. Drury	Harry L. Moore	C. W. Taylor
Forest C. Easley	J. Lee Moore	E. L. Thompson
Eck Embry	Fred Morgan	Ray G. Tipton
R. R. Ernst	E. C. Mullins	E. N. Todd
A. H. Eversole	Rodes K. Myers	Walter L. Trivette
Tom Gilliam	J. C. Newcomb	S. J. Wagner
M. B. Gilligan	Thos. A. Noe	Harry F. Walters
R. M. Hall	Joe E. Numn	Lyle H. Webb
C. L. Hammonds	Louis T. Peniston	W. W. Webster
Harold G. Helm	Sylvester Phillips	Geo. J. Weining
Jerry F. Howell		

—67

Resolved that the title thereof be as aforesaid.

Mr. Hammonds moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 98. An Act relating to bonds of state officers and employes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the statutes is created, to be numbered KRS 62.160 and to read as follows:

The state officers elected by the voters of the state at large (except the Governor and Lieutenant Governor), the heads of statutory administrative departments of the state government, the Adjutant General, the Director of the Division of Banking, the Director of the Division of Insurance, the Director of the Division of Motor Transportation, the Director of the Division of Game and Fish, the Executive Director of the Unemployment Compensation Commissioner, the members of the Public Service Commission (other than the Chairman, who will give bond as Commissioner of Business Regulation), the members of the State Fair Board, Kentucky Aeronautics Commission, and Game and Fish Commission and the associate members of the State Tax Commission and the Alcoholic Beverage Control Board, shall each give bond. The amounts of the bonds shall be fixed by the Governor, which amounts as to those offices hereinafter set forth in this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the Commonwealth the Governor may increase the penal sum of any bond or require a renewal thereof with other or additional surety. The minimum sum of the bond for the following offices shall be as follows:

Secretary of State	$ 10,000
Attorney General	10,000
State Treasurer	$300,000
Commissioner of Agriculture, Labor and Statistics	10,000

Superintendent of Public Instruction	50,000
Auditor of Public Accounts	25,000
Clerk of the Court of Appeals	10,000
Adjutant General	10,000
Commissioner of Finance	$100,000
Commissioner of Revenue	50,000
Commissioner of Highways	50,000
Commissioner of Welfare	25,000
Commissioner of Health	10,000
Commissioner of Business Regulation	10,000
Commissioner of Industrial Relations	5,000
Commissioner of Conservation	10,000
State Librarian	5,000
Chief of the Department of Mines and Minerals	5,000
Commissioner of Alcoholic Beverage Control	10,000
Director of Division of Banking	25,000
Director of Division of Insurance	50,000
Director of Division of Motor Transportation	10,000
Director of Division of Game and Fish	5,000
Executive Director of Unemployment Compensation Commission	20,000
Member of Public Service Commission	10,000
Member of State Fair Board	10,000
Member of Kentucky Aeronautics Commission	5,000
Member of Game and Fish Commission	1,000
Associate member of State Tax Commission	10,000
Associate member of Alcoholic Beverage Control Board	5,000

§ 2. A new section of the statutes is created, to be numbered KRS 62.170 and to read as follows:

The head of each constitutional administrative department of the state government (except the Governor), the head of each statutory administrative department of the state government, the Auditor of Public Accounts, the Clerk of the Court of Appeals, and the Director of the Division of Game and Fish, shall at all times require a bond from each officer, employe or deputy, in or attached to his department or his office, whose duties or functions involve the handling of money or licenses or property intended to be sold or ex-

changed for money in the ordinary operation of the office or department, except the members and employes of boards or commissions which by statute are stated to be a part of, included in or attached to the department. The Commissioner of Welfare shall also require a bond from the superintendent and receiver of each penal or eleemosynary institution under the management and direction of the Department of Welfare. Each board or commission that exercises any executive or administrative function of the state, or that receives any appropriation of state funds, except the Legislative Council, the Judicial Council, and boards and commissions that are stated by statute to have only advisory functions, shall require a bond of the officer, employe or appointee of such board or commission who constitutes the chief fiscal agent of such board or commission or of any institution under its management or control, and shall also require bond of each officer or employe whose duties or functions involve the handling of money or of licenses or property intended to be sold or exchanged for money in the ordinary operations of the board or commission. The amounts of the bonds required by this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employes.

§ 3. A new section of the statutes is created to be numbered KRS 62.180 and to read as follows:

Each bond provided for in KRS 62.160 and 62.170 shall be a covenant to the Commonwealth of Kentucky that the principal will faithfully discharge his duties and will faithfully account for and pay over all money and property that may come into his possession by virtue of his office or position. Liability on the bond of any officer shall extend to any position held by him as ex officio.

§ 4. A new section of the statutes is created to be numbered KRS 62.190 and to read as follows:

(1) Any department head, officer, board or commission required by KRS 62.170 to take a bond from particular of-

ficers, employes, deputies, or appointees may secure a position bond, blanket bond, or bond of a similar type, providing coverage under one contract, for one premium, for all officers, employes or positions, or classes or groups of officers, employes or positions, in the department, office or agency headed by such department head, officer, board of commission, excepting only such officers, employes or positions, or classes thereof, for which such blanket coverage cannot be secured. In the event such a bond is secured, the individual bonds required by KRS 62.170 shall not be required as to any officer, employe, deputy, appointee or position within the coverage of the blanket or position bond.

(2) Where the Commissioner of Finance deems it to be for the best interests of the state, he may require a department head, officer, board or commission to secure a bond of the nature contemplated by subsection (1) of this section.

(3) The bonds provided for by this section shall be covenants to the Commonwealth of Kentucky that the officers, employes or holders of positions covered by the bond will faithfully account for and pay over all money and property that may come into their possession by virtue of their office, employment or position.

(4) The penal amounts of the bonds taken under this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employes.

§ 5. A new section of the statutes is created to be numbered KRS 62.200 and to read as follows:

(1) Each bond mentioned in KRS 62.160 to 62.190 shall be executed by a corporate surety authorized to do a surety business in Kentucky. No bond shall be accepted until it has been approved by the Attorney-General as to form and legality, except the bond of the Attorney-General which shall be accepted when approved in such respects by the Governor.

(2) The premiums on the bonds provided for in KRS 62.160 to 62.190 shall be paid out of the same appropriations

or funds from which the salaries or expenses of the officers and employes covered by the bonds are respectively paid.

(3) All bonds given pursuant to KRS 62.160 to 62.190, except the bond of the Secretary of State, shall be filed in the office of the Secretary of State. The bond of the Secretary of State shall be filed in the office of the Governor.

§ 6. Section 62.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The bond required by law to be executed and given by any public official, depository of public funds, or any fiduciary, and other bond required by law for the discharge or performance of any public or fiducial office, trust or employment, shall be a covenant to the Commonwealth of Kentucky from the principal and surety or sureties that the principal will faithfully discharge his duties, and there shall be no other obligation in the bond. The bond shall be limited in a definite penal sum, which shall be determined and fixed by the officer or officers whose duty it is to approve the bond. The bond of each fiduciary shall be fixed in a penal sum of not less than the estimated value of the estate which the fiduciary is in charge of. The officer or officers taking any bond mentioned in this section may, at any time when it appears to be to the interest of the obligee, increase the penal sum of the bond or require a renewal thereof with other or additional sureties.

(2) A bond or obligation taken in any form other than that required by subsection (1) shall be binding on the parties thereto according to its terms.

(3) This section shall not apply to bonds given pursuant to KRS 62.160 to 62.200.

§ 7. Subsection (1) of Section 62.140 of the Kentucky Revised Statutes is repealed.

§ 8. Section 287.440 of the Kentucky Revised Statutes is amended to read a sfollows:

(1) The Commissioner of Business Regulation shall appoint necessary examiners to examine all institutions coming under the supervision of the division.

(2) Every director of banking, deputy director, and examiner shall be a resident and citizen of the state, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as an officer or clerk in a bank, trust company, or building and loan association.

(3) Every such officer shall take the Constitutional oath of office.

(4) No director of banking, deputy director, or examiner shall be indebted directly or indirectly either as borrower, endorser, surety or guarantor, to any bank or trust company under his supervision or subject to his examination, nor shall he be a director, officer or employe in such bank, or trust company, nor engage or become interested in the sale of securities as a business or in the negotiation of loans for others.

(5) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he holds stock in either a state or national bank or trust company.

§ 9. Subsection 2 of section 322.260 of the Kentucky Revised Statutes is repealed.

§ 10. Section 156.150 of the Kentucky Revised Statutes is repealed.

§ 11. Section 131.200 of the Kentucky Revised Statutes is repealed.

§ 12. Subsection (2) of section 341.120 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Executive Director of the Unemployment Compensation Commission shall be paid from the Unemployment Compensation Administration Fund a fixed salary at a rate fixed by the Governor and the Social Security Board not to exceed five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office.

§ 13. Section 341.160 of the Kentucky Revised Statutes is amended to read as follows:

Subject to KRS 341.130, and to other provisions of this chapter, the commission is authorized, subject to the pro-

visions of KRS Chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers, accountants, attorneys, experts, examiners, referees and other persons as may be necessary and in the performance of its duties under this chapter. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may, by written orders, delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter.

§ 14. Subsection (6) of section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

Each commissioner shall take the constitutional oath of office.

§ 15. Subsection (4) of section 150.061 of the Kentucky Revised Statutes is repealed.

§ 16. Section 36.150 of the Kentucky Revised Statutes is repealed.

§ 17. Section 196.170 of the Kentucky Revised Statutes is amended to read as follows:

Before entering upon his duties each superintendent and each receiver shall take the oath prescribed by § 228 of the Constitution.

§ 18. Subsection (4) of section 12.040 of the Kentucky Revised Statutes is repealed.

§ 19. Section 43.020 of the Kentucky Revised Statutes is amended to read as follows:

The Auditor shall receive an annual salary of thirty-six hundred dollars, payable monthly. He shall reside and keep his office at the seat of government.

§ 20. Section 14.130 of the Kentucky Revised Statutes is repealed.

§ 21. Section 41.030 of the Kentucky Revised Statutes is repealed.

§ 22. Subsection (3) of section 341.500 of the Kentucky Revised Statutes is amended to read as follows:

(3) The benefit account shall consist of all money requisitioned from the state's account in the Unemployment Trust Fund. Except as otherwise provided in this chapter, money in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

§ 23. Subsection (3) of section 156.120 of the Kentucky Revised Statutes is repealed.

§ 24. Subsection (2) of section 246.040 of the Kentucky Revised Statutes is repealed.

§ 25. Section 36.020 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, immediately upon his induction into office, shall appoint an Adjutant General, who shall be not less than thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. His salary shall be five thousand dollars annually.

§ 26. Subsection (3) of section 36.120 of the Kentucky Revised Statutes is repealed.

§ 27. Section 241.040 of the Kentucky Revised Statutes is amended to read as follows:

Each member of the board, before entering upon his duties, shall take the oath prescribed by § 228 of the Constitution.

§ 28. Subsection (2) of section 150.080 of the Kentucky Revised Statutes is repealed.

§ 29. Subsection (1) of section 15.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the Assistant Attorneys-General provided for by KRS 15.110 to 15.140, the Attorney-General may appoint six Assistant Attorneys-General, who shall serve for

the term for which he is elected, unless sooner removed by him.

§ 30. Subsection (4) of section 317.260 of the Kentucky Revised Statutes is repealed.

§ 31. Subsection (1) of section 313.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall choose a president and secretary-treasurer from its members at a meeting on the first Tuesday in June of each year.

§ 32. Section 211.030 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Health shall be headed by the Commissioner of Health. Every four years, beginning with the expiration of the term of the Commissioner of Health appointed in 1939, the State Board of Health shall elect a Commissioner of Health to serve a term of four years and until his successor is elected. The person so elected may be one of the members of the State Board of Health appointed by the Governor, and he shall be a graduate of a recognized school of medicine and licensed to practice as a physician in this state, with not less than five years' specialized training and experience in public health administration. The Commissioner of Health shall receive an annual salary of five thousand dollars.

§ 33. Section 198.070 of the Kentucky Revised Statutes is repealed.

§ 34. Subsection (1) of section 200.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky Crippled Children Commission shall be composed of seven members appointed by the Governor. At least three of the members shall be appointed from a list of six names recommended by the Kentucky Society for Crippled Children, and the other four shall be appointed from the state at large. The members of the commission shall hold office for four years from the date of their appointment and until their successors have been appointed and qualified, and shall serve without compensation. Each of the commissioners shall take the constitutional oath of office before entering

upon the discharge of his duties, and a record of the oath shall be entered in the Executive Journal. The commission shall elect a president, vice-president, secretary and treasurer, and the office of secretary and treasurer may be held by the same person.

§ 35. Section 57.010 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Finance shall appoint as Superintendent of Public Printing a practical printer or a practical estimator of printing, who has had not less than ten years' experience in typesetting, estimating the cost of plain, job, rule, tabular and machine composition, presswork, both cylinder and platen, book binding in its various branches, and such materials as are used in the performance of state printing contracts; and who at the time of accepting appointment is not connected, as owner, manager or stockholder, with any person engaged in the business of printing in this or any other state.

§ 36. Section 117.340 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a State Board of Registration and Purgation composed of the same members that compose the State Board of Election Commissioners. The members of the board shall take an oath to faithfully discharge the duties imposed upon them by the laws of this state.

§ 37. Section 262.080 of the Kentucky Revised Statutes is repealed.

§ 38. Section 247.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sum appropriated by the General Assembly for premiums alone shall be paid on or before September 1 of each year to the State Fair Board, to be disbursed by it through any agent it appoints for that purpose. No money shall be paid out of the premium fund except upon checks which have been countersigned by a designated agent of the Commissioner of Finance who shall keep an office upon the fair grounds for the duration of each annual fair, in order to carry out the provisions of this section.

(2) The State Fair Board shall, within ninety days after holding the annual State Fair, render to the Department of Finance an itemized statement showing the disbursements of the appropriations.

§ 39. Section 164.430 of the Kentucky Revised Statutes is repealed.

§ 40. Section 161.350 of the Kentucky Revised Statutes is repealed.

§ 41. Section 180.340 of the Kentucky Revised Statutes is amended to read as follows:

Every collector of tolls upon any bridge or ferry owned or operated by the state shall, before entering upon the discharge of his duties, take and subscribe to the Constitutional oath of office. The oath shall be executed either in the county court of the county in which the collector resides, or in the office of the department, and shall be approved by the Commissioner of Highways. The original or a certified copy of the oath shall be duly filed and entered of record in the office of the department.

§ 42. Section 164.280 of the Kentucky Revised Statutes is amended to read as follows:

The treasurer of the university shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

§ 43. Section 342.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the board shall take an oath prescribed by section 228 of the Constitution.

(2) The members shall give full time to the work of the board and shall receive four thousand dollars annually for their services.

§ 44. Section 43.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Auditor shall appoint for the duration of his own term, subject to removal by him at any time, one Assistant Auditor of Public Accounts, who shall be a certified public accountant and shall have been a citizen and resident of the state for at least two years. The Assistant Auditor shall have direct supervision over all technical work and technical assistants, and shall otherwise aid the Auditor in the performance of his duties. If the Auditor is absent or is rendered incapable of performing his duties, or if a vacancy in the office occurs, the Assistant Auditor shall perform the duties of Auditor until the necessity therefor ceases to exist. He shall take the constitutional oath. The Auditor shall fix the salary of the Assistant Auditor at not more than thirty-five hundred dollars per annum.

(2) Other assistants authorized by law for the actual conduct of audits shall be persons qualified by at least two years of practical experience in the practice of auditing, or at least one year of practical experience and one year of formal training in auditing in an accredited college or university.

(3) Each clerk appointed by the Auditor shall hold his position for the same term as the Auditor, unless sooner removed by him. No one shall be appointed as clerk unless he has been a citizen and resident of this state for at least two years. Each clerk shall take the constitutional oath of office. The assistants and clerks of the Auditor shall reside and keep their office at the seat of government.

(4) The Auditor and his sureties shall be liable on his official bond for the acts of the Assistant Auditor and clerks.

§ 45. Section 41.060 of the Kentucky Revised Statutes is amended to read as follows:

The Treasurer shall appoint an assistant and may remove him at pleasure. The assistant may perform any of the duties of the Treasurer, excepting the signing of checks, and shall perform the duties of clerk. If the Treasurer is disabled by sickness, or if he absents himself from the seat

of government, he shall notify the Governor in writing of the facts, and recommend his assistant or some other person to discharge the duties of the office during his sickness or absence. If the Governor approves the recommendation he shall enter his approval on the executive journal, after which the assistant or other person may perform all the duties of the Treasurer until he is restored to health or returns to the seat of government. The Treasurer and his sureties shall be responsible on his bond for all the acts and omissions of the assistant. The salary of the assistant shall be fixed by the Treasurer, subject to the provisions of KRS 12.050, 12.060 and 42.110 to 42.150.

§ 46. Subsection (2) of Section 176.040 of the Kentucky Revised Statutes is repealed.

§ 47. Subsection (2) of section 248.070 of the Kentucky Revised Statutes is amended to read as follows:

(2) The commission may:

(a) Accept, deposit with the State Treasurer and provide for the expenditure of such funds as Congress may advance or grant to the state for the purpose of administering KRS 248.020 to 248.240. Such expenditures shall be in accordance with the Act of Congress authorizing or making the advance or grant;

(b) Receive, through such agents as it may designate, all payments covering the sale of marketing certificates pursuant to subsection (2) of KRS 248.120;

(c) Provide for the expenditure of such funds in the manner prescribed by KRS 248.220.

§ 48. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

The State Fair Board may employ such employes and agents as it deems necessary for the conduct of its affairs and those of the State Fair. It may fix the duties and compensation of any such employe or agent, with the approval of the Division of Personnel Efficiency.

Mr. Nunn offered the following amendment thereto by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the statutes is created, to be numbered KRS 62.160 and to read as follows:

The state officers elected by the voters of the state at large (except the Governor and Lieutenant Governor,) the heads of statutory administrative departments of the state government, the Adjutant General, the Director of the Division of Banking, the Director of the Division of Insurance, the Director of the Division of Motor Transportation, the Director of the Division of Game and Fish, the Executive Director of the Unemployment Compensation Commissioner, the members of the Public Service Commission (other than the Chairman, who will give bond as Commissioner of Business Regulation), the members of the State Fair Board, Kentucky Aeronautics Commission, and Game and Fish Commission, and the associate members of the State Tax Commission and the Alcoholic Beverage Control Board, shall each give bond. The amounts of the bonds shall be fixed by the Governor, which amounts as to those offices hereinafter set forth in this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the Commonwealth the Governor may increase the penal sum of any bond or require a renewal thereof with other or additional surety. The minimum sum of the bond for the following offices shall be as follows:

Secretary of State	$ 10,000
Attorney General	10,000
State Treasurer	$300,000
Commissioner of Agriculture, Labor and Statistics	10,000
Superintendent of Public Instruction	50,000
Auditor of Public Accounts	25,000
Clerk of the Court of Appeals	10,000
Adjutant General	10,000
Commissioner of Finance	$100,000
Commissioner of Revenue	50,000
Commissioner of Highways	50,000

Commissioner of Welfare	25,000
Commissioner of Health	10,000
Commissioner of Business Regulation	10,000
Commissioner of Industrial Relations	5,000
Commissioner of Conservation	10,000
State Librarian	5,000
Chief of the Department of Mines and Minerals	5,000
Commissioner of Alcoholic Beverage Control	10,000
Director of Division of Banking	25,000
Director of Division of Insurance	50,000
Director of Division of Motor Transportation	10,000
Director of Division of Game and Fish	5,000
Executive Director of Unemployment Compensation Commission	20,000
Member of Public Service Commission	10,000
Member of State Fair Board	10,000
Member of Kentucky Aeronautics Commission	5,000
Member of Game and Fish Commission	1,000
Associate member of State Tax Commission	10,000
Associate member of Alcoholic Beverage Control Board	5,000

§ 2. A new section of the statutes is created, to be numbered KRS 62.170 and to read as follows:

The head of each constitutional administrative department of the state government (except the Governor), the head of each statutory administrative department of the state government, the Auditor of Public Accounts, the Clerk of the Court of Appeals, and the Director of the Division of Game and Fish, shall at all times require a bond from each officer, employe or deputy, in or attached to his department or his office, whose duties or functions involve the handling of money or licenses or property intended to be sold or exchanged for money in the ordinary operation of the office or department, except the members and employes of boards or commissions which by statute are stated to be a part of, included in or attached to the department. The Commissioner of Welfare shall also require a bond from the superintendent and receiver of each penal or eleemosynary institution under the management and direction of the Department

of Welfare. Each board or commission that exercises any executive or administrative function of the state, or that receives any appropriation of state funds, except the Legislative Council, the Judicial Council, and boards and commissions that are stated by statute to have only advisory functions, shall require a bond of the officer, employe or appointee of such board or commission who constitutes the chief fiscal agent of such board or commission or of any institution under its management or control, and shall also require bond of each officer or employe whose duties or functions involve the handling of money or of licenses or property intended to be sold or exchanged for money in the ordinary operations of the board or commission. The amounts of the bonds required by this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employes.

§ 3. A new section of the statute is created to be numbered KRS 62.180 and to read as follows:

Each bond provided for in KRS 62.160 and 62.170 shall be a covenant to the Commonwealth of Kentucky that the principal will faithfully discharge his duties and will faithfully account for and pay over all money and property that may come into his possession by virtue of his office or position. Liability on the bond of any officer shall extend to any position held by him as ex officio.

§ 4. A new section of the statutes is created to be numbered KRS 62.190 and to read as follows:

(1) Any department head, officer, board or commission required by KRS 62.170 to take a bond from particular officers, employes, deputies, or appointees may secure a position bond, blanket bond, or bond of a similar type, providing coverage under one contract, for one premium, for all officers, employes or positions, or classes or groups of officers, employes or positions, in the department, office or agency headed by such department head, officer, board of

commission, excepting only such officers, employes or positions, or classes thereof, for which such blanket coverage cannot be secured. In the event such a bond is secured, the individual bonds required by KRS 62.170 shall not be required as to any officer, employe, deputy, appointee or position within the coverage of the blanket or position bond, except that field agents and accountants of the Department of Revenue shall not be included in such a blanket or position bond, but shall be required to execute individual bonds to the Commonwealth, as provided in KRS 62.170, conditioned upon the faithful performance of all duties imposed upon them by the Commissioner of Revenue or by law.

(2) Where the Commissioner of Finance deems it to be for the best interests of the state, he may require a department head, officer, board or commission to secure a bond of the nature contemplated by subsection (1) of this section.

(3) The bonds provided for by this section shall be covenants to the Commonwealth of Kentucky that the officers, employes or holders of positions covered by the bond will faithfully account for and pay over all money and property that may come into their possession by virtue of their office, employment or position.

(4) The penal amounts of the bonds taken under this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employes.

§ 5. A new section of the statutes is created to be numbered KRS 62.200 and to read as follows:

(1) Each bond mentioned in KRS 62.160 to 62.190 shall be executed by a corporate surety authorized to do a surety business in Kentucky. No bond shall be accepted until it has been approved by the Attorney-General as to form and legality, except the bond of the Attorney-General which shall be accepted when approved in such respects by the Governor.

(2) The premiums on the bonds provided for in KRS 62.160 to 62.190 shall be paid out of the same appropriations

or funds from which the salaries or expenses of the officers and employes covered by the bonds are respectively paid.

(3) All bonds given pursuant to KRS 62.160 to 62.190, except the bond of the Secretary of State, shall be filed in the office of the Secretary of State. The bond of the Secretary of State shall be filed in the office of the Governor.

§ 6. Section 62.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The bond required by law to be executed and given by any public official, depository of public funds, or any fiduciary, and other bond required by law for the discharge or performance of any public or fiducial office, trust or employment, shall be a covenant to the Commonwealth of Kentucky from the principal and surety or sureties that the principal will faithfully discharge his duties, and there shall be no other obligation in the bond. The bond shall be limited in a definite penal sum which shall be determined and fixed by the officer or officers whose duty it is to approve the bond. The bond of each fiduciary shall be fixed in a penal sum of not less than the estimated value of the estate which the fiduciary is in charge of. The officer or officers taking any bond mentioned in this section may, at any time when it appears to be to the interest of the obligee, increase the penal sum of the bond or require a renewal thereof with other or additional sureties.

(2) A bond or obligation taken in any form other than that required by subsection (1) shall be binding on the parties thereto according to its terms.

(3) This section shall not apply to bonds given pursuant to KRS 62.160 to 62.200.

§ 7. Subsection (1) of Section 62.140 of the Kentucky Revised Statutes is repealed.

§ 8. Section 287.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Business Regulation shall appoint necessary examiners to examine all institutions coming under the supervision of the division.

(2) Every director of banking, deputy director, and examiner shall be a resident and citizen of the state, shall be a practical bookkeeper and accountant and shall have had not less than four years actual experience as an officer or clerk in a bank, trust company, or building and loan association.

(3) Every such officer shall take the Constitutional oath of office.

(4) No director of banking, deputy director, or examiner shall be indebted directly or indirectly either as borrower, endorser, surety or guarantor, to any bank or trust company under his supervision or subject to his examination, nor shall he be a director, officer or employe in such bank, or trust company, or engage or become interested in the sale of securities as a business or in the negotiation of loans for others.

(5) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he holds stock in either a state or national bank or trust company.

§ 9. Subsection (2) of section 322.260 of the Kentucky Revised Statutes is repealed.

§ 10. Section 156.150 of the Kentucky Revised Statutes is repealed.

§ 11. Section 131.200 of the Kentucky Revised Statutes is repealed.

§ 12. Subsection (2) of section 341.120 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Executive Director of the Unemployment Compensation Commission shall be paid from the Unemployment Compensation Administration Fund a fixed salary at a rate fixed by the Governor and the Social Security Board not to exceed five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office.

§ 13. Section 341.160 of the Kentucky Revised Statutes is amended to read as follows:

Subject to KRS 341.130, and to other provisions of this chapter, the commission is authorized, subject to the pro-

visions of KRS Chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers, accountants, attorneys, experts, examiners, referees and other persons as may be necessary and in the performance of its duties under this chapter. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may, by written orders, delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter.

§ 14. Subsection (6) of section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

Each commissioner shall take the constitutional oath of office.

§ 15. Subsection (4) of section 15.061 of the Kentucky Revised Statutes is repealed.

§ 16. Section 36.150 of the Kentucky Revised Statutes is repealed.

§ 17. Section 196.170 of the Kentucky Revised Statutes is amended to read as follows:

Before entering upon his duties each superintendent and each receiver shall take the oath prescribed by § 228 of the Constitution.

§ 18. Subsection (4) of section 12.040 of the Kentucky Revised Statutes is repealed.

§ 19. Section 43.020 of the Kentucky Revised Statutes is amended to read as follows:

The Auditor shall receive an annual salary of thirty-six hundred dollars, payable monthly. He shall reside and keep his office at the seat of government.

§ 20. Section 14.130 of the Kentucky Revised Statutes is repealed.

§ 21. Section 41.030 of the Kentucky Revised Statutes is repealed.

§ 22. Subsection (3) of section 341.500 of the Kentucky Revised Statutes is amended to read as follows:

(3) The benefit account shall consist of all money requisitioned from the state's account in the Unemployment Trust Fund. Except as otherwise provided in this chapter, money in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

§ 23. Subsection (3) of section 156.120 of the Kentucky Revised Statutes is repealed.

§ 24. Subsection (2) of section 246.040 of the Kentucky Revised Statutes is repealed.

§ 25. Section 36.020 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, immediately upon his induction into office, shall appoint an Adjutant General, who shall be not less than thirty years of age and shall have been an officer in the Federally recognized Kentucky National Guard for at least three years. His salary shall be five thousand dollars annually.

§ 26. Subsection (3) of section 36.120 of the Kentucky Revised Statutes is repealed.

§ 27. Section 241.040 of the Kentucky Revised Statutes is amended to read as follows:

Each member of the board, before entering upon his duties, shall take the oath prescribed by § 228 of the Constitution.

§ 28. Subsection (2) of section 150.080 of the Kentucky Revised Statutes is repealed.

§ 29. Subsection (1) of section 15.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the Assistant Attorneys-General provided for by KRS 15.110 to 15.140, the Attorney-General may appoint six Assistant Attorneys-General, who shall serve for the term for which he is elected, unless sooner removed by him.

§ 30. Subsection (4) of section 317.260 of the Kentucky Revised Statutes is repealed.

§ 31. Subsection (1) of section 313.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall choose a president and secretary-treasurer from its members at a meeting on the first Tuesday in June of each year.

§ 32. Section 211.030 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Health shall be headed by the Commissioner of Health. Every four years, beginning with the expiration of the term of the Commissioner of Health appointed in 1939, the State Board of Health shall elect a Commissioner of Health to serve for a term of four years and until his successor is elected. The person so elected may be one of the members of the State Board of Health appointed by the Governor, and he shall be a graduate of a recognized school of medicine and licensed to practice as a physician in this state, with not less than five years' specialized training and experience in public health administration. The Commissioner of Health shall receive an annual salary of five thousand dollars.

§ 33. Section 198.070 of the Kentucky Revised Statutes is repealed.

§ 34. Subsection (1) of section 200.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Kentucky Crippled Children Commission shall be composed of seven members appointed by the Governor. At least three of the members shall be appointed from a list of six names recommended by the Kentucky Society for Crippled Children, and the other four shall be appointed from the state at large. The members of the commission shall hold office for four years from the date of their appointment and until their successors have been appointed and qualified, and shall serve without compensation. Each of the commissioners shall take the constitutional oath of office before entering upon the discharge of his duties, and

a record of the oath shall be entered upon the Executive Journal. The commission shall elect a president, vice-president, secretary and treasurer, and the office of secretary and treasurer may be held by the same person.

§ 35. Section 57.010 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Finance shall appoint as Superintendent of Public Printing a practical printer or a practical estimator of printing, who has had not less than ten years' experience in typesetting, estimating the cost of plain, job, rule, tabular and machine composition, presswork, both cylinder and platen, book binding in its various branches, and such materials as are used in the performances of state printing contracts; and who at the time of accepting appointment is not connected, as owner, manager or stockholder, with any person engaged in the business of printing in this or any other state.

§ 36. Section 117.340 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a State Board of Registration and Purgation composed of the same members that compose the State Board of Election Commissioners. The members of the board shall take an oath to faithfully discharge the duties imposed upon them by the laws of this state.

§ 37. Section 262.080 of the Kentucky Revised Statutes is repealed.

§ 38. Section 247.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sum appropriated by the General Assembly for premiums alone shall be paid on or before September 1 of each year to the State Fair Board, to be disbursed by it through any agent it appoints for that purpose. No money shall be paid out of the premium fund except upon checks which have been countersigned by a designated agent of the Commissioner of Finance who shall keep an office upon the fair grounds for the duration of each annual fair, in order to carry out the provisions of this section.

(2) The State Fair Board shall, within ninety days after holding the annual State Fair, render to the Department of Finance an itemized statement showing the disbursements of the appropriations.

§ 39. Section 164.430 of the Kentucky Revised Statutes is repealed.

§ 40. Section 161.350 of the Kentucky Revised Statutes is repealed.

§ 41. Section 180.340 of the Kentucky Revised Statutes is amended to read as follows:

Every collector of tolls upon any bridge or ferry owned or operated by the state shall, before entering upon the discharge of his duties, take and subscribe to the Constitutional oath of office. The oath shall be executed either in the county court of the county in which the collector resides, or in the office of the department, and shall be approved by the Commissioner of Highways. The original or a certified copy of the oath shall be duly filed and entered of record in the office of the department.

§ 42. Section 164.280 of the Kentucky Revised Statutes is amended to read as follows:

The treasurer of the university shall keep an itemized account of receipts and expenditures, and shall pay out no money except on authorization of the board of trustees, given directly or through its executive committee. He shall render to the executive committee monthly statements of receipts and expenditures, and amount on hand, and a full detailed statement, with vouchers, for the information and action of the board of trustees at its regular annual meeting, and at other periods when required.

§ 43. Section 342.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the board shall take an oath prescribed by section 228 of the Constitution.

(2) The members shall give full time to the work of the board and shall receive four thousand dollars annually for their services.

§ 44. Section 43.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Auditor shall appoint for the duration of his own term, subject to removal by him at any time, one Assistant Auditor of Public Accounts, who shall be a certified public accountant and shall have been a citizen and resident of the state for at least two years. The Assistant Auditor shall have direct supervision over all technical work and technical assistants, and shall otherwise aid the Auditor in the performance of his duties. If the Auditor is absent or is rendered incapable of performing his duties, or if a vacancy in the office occurs, the Assistant Auditor shall perform the duties of Auditor until the necessity therefor ceases to exist. He shall take the constitutional oath. The Auditor shall fix the salary of the Assistant Auditor at not more than thirty-five hundred dollars per annum.

(2) Other assistants authorized by law for the actual conduct of audits shall be persons qualified by at least two years of practical experience in the practice of auditing, or at least one year of practical experience and one year of formal training in auditing in an accredited college or university.

(3) Each clerk appointed by the Auditor shall hold his position for the same term as the Auditor, unless sooner removed by him. No one shall be appointed as clerk unless he has been a citizen and resident of this state for at least two years. Each clerk shall take the constitutional oath of office. The assistants and clerks of the Auditor shall reside and keep their office at the seat of government.

(4) The Auditor and his sureties shall be liable on his official bond for the acts of the Assistant Auditor and clerks.

§ 45. Section 41.060 of the Kentucky Revised Statutes is amended to read as follows:

The Treasurer shall appoint an assistant and may remove him at pleasure. The assistant may perform any of the duties of the Treasurer, excepting the signing of checks, and shall perform the duties of clerk. If the Treasurer is disabled by sickness, or if he absents himself from the seat of government, he shall notify the Governor in writing of the

facts, and recommend his assistant or some other person to discharge the duties of the office during his sickness or absence. If the Governor approves the recommendation he shall enter his approval on the executive journal, after which the assistant or other person may perform all the duties of the Treasurer until he is restored to health or returns to the seat of government. The Treasurer and his sureties shall be responsible on his bond for all the acts and omissions of the assistant. The salary of the assistant shall be fixed by the Treasurer, subject to the provisions of KRS 12.050, 12.060 and 42.110 to 42.150.

§ 46. Subsection (2) of Section 176.040 of the Kentucky Revised Statutes is repealed.

§ 47. Subsection (2) of section 248.070 of the Kentucky Revised Statutes is amended to read as follows:

(2) The commission may:

(a) Accept, deposit with the State Treasurer and provide for the expenditure of such funds as Congress may advance or grant to the state for the purpose of administering KRS 248.020 to 248.240. Such expenditures shall be in accordance with the Act of Congress authorizing or making the advance or grant;

(b) Receive, through such agents as it may designate, all payments covering the sale of marketing certificates pursuant to subsection (2) of KRS 248.120;

(c) Provide for the expenditure of such funds in the manner prescribed by KRS 248.220.

§ 48. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

The State Fair Board may employ such employes and agents as it deems necessary for the conduct of its affairs and those of the State Fair. It may fix the duties and compensation of any such employe or agent, with the approval of the Division of Personnel Efficiency.

Said substitute was then adopted.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jerry F. Howell	Wade H. Riley
Roy W. Arnold	J. J. Huff	Amos Runyan
Henry Arrowood	Ira W. Hulette	J. W. Simmons
F. O. Baker	W. H. Hunt	Luther Slusher
Harold L. Barnes	Paul Jonas	Forrest Smith
F. H. Bassett, Jr.	L. H. Jones	W. R. Smith
W. G. Biggers	Homer E. Losey	Paul J. Stapleton
B. J. Bonn	A. L. Love	Geo. W. Steinford
J. C. Bradley	E. J. Lucas	L. S. Stephens
John Y. Brown	F. G. Marquette	Ralph G. Stone
Chas. W. Burnley	E. H. Martin	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Harry L. Moore	Ray G. Tipton
Adron Doran	Fred Morgan	E. N. Todd
G. I. Drury	E. C. Mullins	S. J. Wagner
Eck Embry	Rodes K. Myers	Harry F. Walters
R. R. Ernst	J. C. Newcomb	Lyle H. Webb
A. H. Eversole	Thos. A. Noe	W. W. Webster
Tom Gilliam	Joe E. Nunn	Geo. J. Weining
M. B. Gilligan	Louis T. Peniston	Morris Weintraub
R. M. Hall	Sylvester Phillips	
Harold G. Helm	L. W. Preston	
E. R. Hilton	E. F. Prichard	—66

Resolved that the title thereof be as aforesaid.

Mr. Nunn moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 158. An Act relating to assistant county attorneys in certain counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A new section of the statutes is created, to read as follows:

(1) The office of assistant county attorney in counties containing a city of the second class is hereby created. The assistant county attorney shall be appointed by the county attorney for the duration of his term, subject to removal at any time by the county attorney.

(2) The assistant county attorney shall receive an annual salary to be fixed by the fiscal court at not less than $1,200.00 nor more than $1,800.00 and paid out of the county levy. He shall possess the qualifications required of a county attorney and shall have the same powers and perform the same duties as the county attorney, subject to the direction and control of the county attorney. In the absence of the county attorney, the assistant shall act as county attorney, without additional compensation.

§ 2. Subsection (1) of Section 69.275 of the Kentucky Revised Statutes is amended to read as follows:

(1) The office of assistant county attorney in counties having a population of less than 150,000 and not containing a city of the second class, is hereby created.

Mr. Burnley offered the following amendment to said bill, viz.:

Amend H. B. 158 on page 1 section 1 by striking out subsection (1) of section 1, lines 2, 3, 4, 5 and inserting the following: The county attorney in counties containing a city of the second class may appoint an assistant county attorney for the duration of his term, subject to removal at any time by the county attorney.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Louis T. Peniston
Roy W. Arnold	E. R. Hilton	Sylvester Phillips
F. O. Baker	Clyde S. Howard	E. F. Prichard
Harold L. Barnes	Maurice Howard	Wade H. Riley
B. J. Bonn	Ira W. Hulette	Amos Runyan
J. C. Bradley	W. H. Hunt	Luther Slusher
John Y. Brown	Paul Jonas	Forrest Smith
Chas. W. Burnley	A. L. Love	Paul J. Stapleton
W. K. Coleman	E. J. Lucas	Geo. W. Steinford
L. A. Demumbrun	E. H. Martin	Ralph G. Stone
Forest C. Easley	W. E. McClure	C. W. Taylor
R. R. Ernst	Jack McPherron	Walter L. Trivette
A. H. Eversole	J. Lee Moore	S. J. Wagner
Tom Gilliam	Fred Morgan	Harry F. Walters
M. B. Gilligan	Rodes K. Myers	Geo. J. Weining
R. M. Hall	Thos. A. Noe	Morris Weintraub
C. L. Hammonds	Joe E. Nunn	—50

Those who voted in the negative were—

Roy W. Arnold	L. H. Jones	Kelse H. Risner
B. K. Brantley	Homer E. Losey	W. R. Smith
E. R. Denny	J. L. Moore	L. S. Stephens
G. I. Drury	E. C. Mullins	E. L. Thompson
Eck Embry	J. C. Newcomb	Ray G. Tipton
J. J. Huff	L. W. Preston	E. N. Todd

—18

Resolved that the title thereof be as aforesaid.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 187. An Act relating to war veterans; establishing a Disabled Ex-Service Men's Board, etc.

With a Committee Amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 36.060 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

(1) There is created a board to be known as the Kentucky Disabled Ex-Service Men's Board, which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The board shall be composed of the Lieutenant Governor, who shall act as chairman, the Adjutant General, and three members appointed by the Governor. The appointed members shall serve for terms of four years and until their successors are appointed and have qualified, except that the members of the first board shall be so appointed that the term of one member will be for two years, another for three years and the other for four years. All appointments to the board, including appointments of successors and appointments to fill vacancies, shall be made by the Governor from a list of five names for each position on the board to be filled, submitted by the Commander of the American Legion, Department of Kentucky, such list to be approved by the Executive Committee of the American Legion, Department of Kentucky. The members of the board shall receive no compensation for their services, but shall be entitled to reimbursement for their actual and

necessary traveling expenses and lodging incurred in the proper performance of their duties in or out of this state.

(2) The Kentucky Disabled Ex-Service Men's Board shall:

(a) Prepare in proper form, present and prosecute the claims of disabled ex-service men and women and their dependents with the United States Veterans' Administration and other Federal agencies;

(b) Secure and expedite action on the claims;

(c) Keep in contact with the United States Veterans' Administration so that the status of any claim may be known at any time;

(d) Continue to survey the state to make certain that no disabled veteran or his dependents are neglected; and

(e) Perform such other duties as the board considers necessary or desirable in the accomplishment of the purposes for which the board was created.

(3) "Veterans" and "ex-service men and women," as used in this section, include any individual who served on active duty in the army, navy or marine corps of the United States and who has received an honorable discharge from such such service.

Section 36.010 of the Kentucky Revised Statutes of 1942 is amended to read as follows:

The Department of Military Affairs shall have charge of and be responsible to the Governor for the proper functioning of the militia and all other military or naval matters of the state, and shall consist of the following divisions:

(1) Armories Division
(2) Active Militia Division; and
(3) National Guard Division.

Any appropriation made by the 1946 General Assembly to the Veterans' Division of Military Affairs for the fiscal years 1946-1947, and 1947-1948, shall be transferred to the credit of; and considered as an appropriation to, the Kentucky Disabled Ex-Service Men's Board.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. B. 187 on page 2, Sec. 3 lines 35 and 36 by striking the words "the Army, Navy or Marine Corps" and inserting in lieu thereof the following: "during peace or war in the armed forces"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Harry L. Moore
Roy W. Arnold	Harold G. Helm	J. L. Moore
Henry Arrowood	E. R. Hilton	J. Lee Moore
F. O. Baker	Clyde S. Howard	Fred Morgan
Harold L. Barnes	Maurice Howard	E. C. Mullins
B. J. Bonn	Jerry F. Howell	Rodes K. Myers
J. C. Bradley	J. J. Huff	J. C. Newcomb
B. K. Brantley	Ira W. Hulette	Thos. A. Noe
John Y. Brown	W. H. Hunt	Joe E. Nunn
Chas. W. Burnley	Paul Jonas	Louis T. Peniston
W. K. Coleman	L. H. Jones	Sylvester Phillips
L. A. Demumbrun	Edgar Kitchen	L. W. Preston
E. R. Denny	Homer E. Losey	E. F. Prichard
G. I. Drury	A. L. Love	Hobart Rayburn
Forest C. Easley	H. K. Lowman	Wade H. Riley
Eck Embry	E. J. Lucas	Kelse H. Risner
R. R. Ernst	F. G. Marquette	Amos Runyan
A. H. Eversole	E. H. Martin	Luther Slusher
M. B. Gilligan	W. E. McClure	Forrest Smith
R. M. Hall	Jack McPherron	W. R. Smith

E. A. Spencer	C. W. Taylor	Harry F. Walters
Paul J. Stapleton	E. L. Thompson	Lyle H. Webb
Geo. W. Steinford	Ray G. Tipton	W. W. Webster
L. S. Stephens	E. N. Todd	Geo. J. Weining
Ralph G. Stone	Walter L. Trivette	Morris Weintraub

—75

Resolved that the title thereof be as aforesaid.

Mr. Preston moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Stapleton moved that the Rules of this House be suspended for the purpose of making a Committee Report.

Said motion was agreed to.

Thereupon Mr. Bassett of the Committee on Public Health to which the same had been referred, reported a bill entitled:

H. B. 171. An Act relating to non-profit medical service plan corporations.

With a Committee Amendment thereto by way of Substitute therefor.

With the expression of opinion that said bill ought to pass.

Said bill was then read at length the first time and ordered to be placed in the Calendar.

Mr. Phillips moved that a bill entitled:

H. B. 250. An Act relating to fees of jailers.

Which was reported by the Committee on Courts on February 20 without an expression of opinion.

Be taken from the Clerk's desk and advanced to a reading.

Said motion was disagreed to.

Mr. Drury moved that the House do now adjourn to meet again on Monday, February 25, at 8:00 p. m.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 25, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Leland Gilmore of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

Roy W. Arnold	Fred Creasey	E. R. Hilton
Henry Arrowood	S. J. Daugherty	Maurice Howard
F. O. Baker	L. A. Demumbrun	Jerry F. Howell
Harold L. Barnes	E. R. Denny	J. J. Huff
F. H. Bassett, Jr.	Adron Doran	Ira W. Hulette
Ott Begley	G. I. Drury	W. H. Hunt
W. G. Biggers	Forest C. Easley	Kerby Jennings
Jack Bingham	Bernie S. Edlin	Paul Jonas
B. J. Bonn	Eck Embry	B. F. Kincaid
J. C. Bradley	A. H. Eversole	G. O. Kirkpatrick
B. K. Brantley	Tom Gilliam	Edgar Kitchen
John Y. Brown	M. B. Gilligan	Homer E. Losey
Mrs. Mary Burnett	Otto W. Goff	A. L. Love
Chas. W. Burnley	R. M. Hall	H. K. Lowman
Alex. H. Calvert	C. L. Hammonds	Ed Marcum
W. K. Coleman	Harold G. Helm	F. G. Marquette

E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morman
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Lawrence Wells
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of February 21, be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had bills which originated in this House, entitled:

H. B. 243. An Act to amend Sec. 95.010 Kentucky Revised Statutes and subsection thereunder relating to fire department officials under civil service.

H. B. 114. An Act to change the term of circuit court in the 12th district.

H. B. 87. An Act to repeal, and revise KRS relating to subsequent injuries, to determine proper apportionments of liabilities.

H. B. 20. An Act relating to police departments of cities of the Second Class.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed bills and resolutions which originated in that body, entitled:

S. B. 44. An Act relating to law clerks for the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Court of Appeals may appoint not more than two law clerks, to hold office at the pleasure of the Court, to perform such duties as may be required of them by the Court, and to receive such compensation as may be fixed by the Court.

§ 2. The law clerks shall be residents of Kentucky and graduates in good standing of an approved School of Law, and shall have been admitted and licensed to practice law in this Commonwealth, but shall not practice in this Commonwealth nor accept legal employment nor render service in any court of the Commonwealth while holding the office. The order of appointment shall be entered on the Order Book of the Court.

S. B. 92. An Act to provide for payment of expenses of county judges for their attendance at meetings of County Judges Association.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Fiscal Court of each County may pay out of the general county funds the actual and necessary expenses of the County Judge incurred in attending meetings of the County Judges Association, provided the total amount of such expenses paid in any one year by any county shall not exceed the sum of Thirty-five ($35.00) Dollars.

S. B. 116. An Act creating a Board of Claims.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) A Board of Claims composed of a Judge or Commissioner of the Court of Appeals appointed by the Chief

Justice of the Court of Appeals, the Attorney General and the Commissioner of Finance, is hereby created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a result of negligence in the construction, reconstruction, maintenance and policing of highways by the Department of Highways.

(2) An award or judgment shall only be made after careful consideration of the facts surrounding the matter in controversy, and no award or judgment shall be made unless the Board is of the opinion that the damage claimed was caused by such negligence on the part of the Department of Highways or its agents as would entitle claimant to a judgment in an action at law if the state were amenable to such action.

(3) The Board shall have jurisdiction of claims for the recovery of money where the value in controversy, exclusive of interest and costs, does not exceed $1,000.00.

(a) A claim must be presented to the Board within one year from the time it first accrued; provided; however, such claim arising between January 1, 1945, and the effective date of this act shall be presented to the Board prior to the second Tuesday in January, 1947.

(b) This act shall not be construed to deprive any person from suing in the courts where such right exists if this act had not become law, but such person may waive his right to sue in the courts and prosecute his claim under the provisions of this act.

(4) Orders, awards, and judgments of the Board may be enforced by filing in the office of the Clerk of the Franklin Circuit Court an authenticated copy of the order, award, or judgment, which, when ordered entered by the judge of the court, shall be entered on the order book and become to all effects and purposes an order, award, or judgment of the court, and be enforcible in a like manner.

(5) The Board shall hold regular sessions at Frankfort, Kentucky, beginning on the second Tuesday of January, May and November, and such special sessions at such places as it deems necessary to expedite the business of the Board.

The Board shall establish rules for its government and for the regulation of the method of pleading and practice before it. Any member thereof may subpoena witnesses, administer or cause to have administered oaths.

(6) It shall be the duty of the Assistant Attorney General Assigned to the Department of Highways to present any opposition the department may have to the allowance of any claim.

(7) Should the business of the Board require clerical or other help, such help shall be employed only by the written consent of the Commissioner of Highways, the Commissioner of Finance and the Governor.

(8) The members of said Board and the Assistant Attorney General assigned to the Department of Highways shall serve without additional compensation now allowed them by law. All awards or judgments made by the Board and all costs incident to the operation of said Board shall be paid out of the State Road Fund upon warrants drawn by the Commissioner of Finance upon the State Treasurer.

(9) Appeals may be taken to the Franklin Circuit Court from all awards or judgments of the Board where the amount in controversy, exclusive of interest and costs, is over $50.00. Appeals shall be taken within thirty days from the rendition of the award or judgment, and the method of appeal shall follow as nearly as may be the Civil Code of Practice, Section 724, sub-section 1, except the state shall not be required to execute bond.

(a) On appeal no new evidence may be introduced, except as to fraud or misconduct of some person engaged in the hearing before the Board. The Court shall hear the cause upon the record before it, and dispose of the appeal in a summary manner, being limited in determining: Whether or not the Board acted without or in excess of its powers; the award or judgment was procured by fraud; the award or judgment is not in conformity to the provisions of this act; and whether the findings of fact support the award or judgment. The Court shall enter its findings on the order book as a judgment of the court, and such judgment shall have the same effect

and be enforcible as any other judgment of the court in civil causes.

(10) Appeals may be taken to the Court of Appeals under the same conditions and under the same practice as appeals are taken from judgments in civil causes rendered by the Circuit Court, but no motion for a new trial or bill of exceptions shall be necessary. The Court of Appeals shall review only the matters subject to review by the Circuit Court and also errors of law arising in the Circuit Court and made reviewable by the Civil Code of Practice, where not in conflict with this act.

S. B. 117. An Act to provide and grant to the real or personal representatives, or heirs, or devisees, of any obligors the right to pay upon sixty days prior written notice, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any and all obligations, oral, written or implied, which come into being or are made or undertaken after the effective date of this Act, may, upon the death of the obligor, or any one of the joint obligors, upon any such obligations, be paid to the creditors of such obligations by the representatives, real or personal, or by the heirs or devisees, of such decedents upon sixty days written notice to the holder or holders, or payees or beneficiaries, of any such obligation or obligations; and that all such contracts or obligations which come into being after the effective date of this Act shall be subject to the provisions hereof.

S. B. 137. An Act providing for the regulation of the operation of refrigerated lockers, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This Act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It is hereby found and declared that

the public welfare requires control and regulation of the operation of refrigerated lockers and of the sale, handling and processing of articles of human food in connection therewith, and the control, inspection and regulation of persons engaged therein, in order to prevent or eliminate unsanitary, unhealthful, fraudulent, and unfair or uneconomic practices and conditions in connection with the refrigerated locker business, which practices and conditions endanger public health, defraud customers, jeopardize the public source of supply and storage facilities of essential food products, and adversely affect an important and growing industry. It is further found and declared that the regulation of the refrigerated locker business, as above outlined, is in the interest of the economic and social well-being and the health and safety of the state and all of its people.

§ 2. DEFINITIONS. As used in this Act, unless the context requires otherwise:

"Food" shall include any article used by man for food, drink, confectionery or condiment, or which enters into the composition of the same whether simple, blended, mixed or compounded.

"Frozen food locker plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food and is equipped with a chill room, sharp freezing facilities and facilities for cutting, preparing, wrapping and packaging meats and meat products, fruits and vegetables.

"Branch frozen food locker plant" shall mean a location or establishment in which space in individual lockers is rented to persons for storage of frozen food after preparation for storage at a frozen food locker plant.

"Sharp frozen" shall mean the freezing of food in a room in which the temperature is zero or below.

"Commissioner" shall mean the Commissioner of Agriculture, Labor and Statistics.

§ 3. (a) Each frozen food locker plant or branch frozen food locker plant operated in this state shall be licensed under and subject to the provisions of this Act.

(b) There shall be paid to the Commissioner with each

application for a refrigerated locker license or for renewal of such license an annual license fee of ten dollars ($10.00) and the funds therefrom shall be disbursed by the Commissioner for the enforcement of this Act; provided, however, that funds disbursed for enforcement of the Act shall in no case exceed funds derived from license fees thereunder.

(c) Each such license shall expire on December 31 following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by surrendering to the Commissioner the old license certificate and paying the required annual license fee. Such license fee shall not be transferrable to any person nor be applicable to any location other than that for which originally issued.

§ 4. (a) The Commissioner may cancel or suspend any such license if he finds after proper investigation that (1) the licensee has violated any provisions of this Act or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any Act the adminisistration of which is in charge of the Commissioner of Agriculture, or (2) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the Commissioner of written notice to do so.

(b) No license shall be revoked or suspended by the Commissioner without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten (10) days from the date of such notice.

(c) Any order made by the Commissioner suspending or revoking any license may be reviewed by the circuit court of the county in which the licensed premises are located, within ten (10) days from the date of notice in writing of the Commissioner's order revoking or suspending such license has been served upon him.

§ 5. (a) No person shall work or be permitted to work in or about any refrigerated locker in the handling, processing or dealing in any human food or any ingredient thereof

without holding a certificate from a physician, duly accredited for that purpose by the State Board of Health, certifying that such person has been examined and found free from any contagious or infectious disease. The State Board of Health may fix a maximum fee, not exceeding two dollars ($2.00) which may be charged by a physician for such examination. Such certificate shall be effective for a period of six (6) months and thereafter must be renewed following proper physical examination as aforesaid. Where such certificate is required and provided under municipal ordinance upon examination deemed adequate by the State Board of Health, certificates issued thereunder shall be sufficient under this section.

(b) Any such certificate shall be revoked by the State Board of Health at any time the holder thereof is found, after proper physical examination, to be afflicted with any communicable or infectious disease. Refusal of any person employed in such premises to submit to proper and reasonable physical examination upon written demand by the State Board of Health or of the Commissioner of Agriculture shall be cause for revocation of that person's health certificate.

§ 6. The locker operator, or the Commissioner, or their authorized agents, may at any reasonable time inspect all foods, wares or merchandise before same is placed in the locker storage. The locker operator or the Commissioner of Agriculture, or their agents, may reject any foods, wares or merchandise and may refuse or place same for storage, if in the locker operator's opinion said food, wares or merchandise is not in suitable or proper condition for storage.

§ 7. The Department of Agriculture, through its Commissioner or his authorized agent, shall have the authority of supervising and enforcing all of the provisions of this Act.

§ 8. The Commissioner may prescribe and enforce such rules and regulations and to make such definitions, and prescribe such procedure with regard to hearings, as he may deem necessary to carry into effect the full intent and meaning of this Act.

§ 9. The Commissioner shall cause to be made periodically a thorough inspection of each establishment licensed

under this Act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this Act and of all other laws of this state applicable to the operation either of refrigerated lockers or of the handling of human food in connection therewith, and of all regulations effective under this Act relative to such operation. Such inspection shall also be made of each vehicle used by the operator of refrigerated lockers or of an establishment, handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state.

§ 10. Every operator of a refrigerated locker plant shall provide a complete refrigeration system with adequate capacity and accurate and reliable controls for the maintenance of the following uniform temperatures of the various refrigerated rooms if provided, under extreme conditions of outside temperatures and under peak load conditions in the normal operation of the plant. The temperatures of the following rooms shall not exceed:

(a) Chill room, temperature within two (2) degrees (Fahrenheit) plus or minus of thirty-five (35) degrees (Fahrenheit with a tolerance of ten (10) degrees (Fahrenheit) after fresh food is put in for chilling;

(b) Sharp freeze room, sharp freeze compartments, temperatures of minus ten (10) degrees (Fahrenheit) or lower, or temperatures of zero (0) degrees (Fahrenheit) or lower when forced air circulation is employed, with a tolerance of ten (10) degrees (Fahrenheit) for either type of installation after fresh food is put in for freezing;

(c) Locker room temperature of zero (0) degrees (Fahrenheit) with a tolerance of twelve (12) degrees (Fahrenheit) plus.

§ 11. In any proceeding under this Act the Commissioner may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the Commonwealth of Kentucky.

§ 12. The liability of the owner or operator of refrigerated lockers for loss of goods in lockers or in operator's

care shall be limited to negligence of operation or of employes.

§ 13. No tainted food shall be stored in a refrigerated locker, and food for non-human consumption shall be stored in a separate room.

§ 14. The owner of any frozen food locker plant shall have a lien on the contents of each locker, compartment or space for the payment of the locker rental thereon and any processing or other charges. Such lien may be foreclosed by giving a written notice by registered mail to the renter of such locker, compartment or space, and, after ten days from date of the notice, the owner may proceed to sell the contents of the locker, at either public or private sale, for the reasonable value of its contents. If the proceeds from the sale exceeds the amount of the lien, the balance shall be duly paid to the renter. The place, time and kind of sale shall conform to the written notice to the renter.

§ 15. Persons who own or operate refrigerated locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

§ 16. Any person violating any provision of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty ($50.00) dollars for the first offense, and not less than one hundred ($100.00) dollars for the second and for each subsequent offense, and each day that any violation continues shall constitute a separate offense.

§ 17. This Act is necessary for the immediate preservation of the public peace, health and safety; and an emergency hereby is declared to exist, and this Act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

S. B. 146. An Act requiring every employer now or hereafter doing business in this state who regularly employs three or more persons in hazardous occupations and who is eligible to operate under the provisions of the Workmen's Compensation Act, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1—That every employer now or hereafter doing business in this Commonwealth who regularly employs three or more persons in a hazardous occupation and who is not excepted from the application of the provisions of the Workmen's Compensation Act (Chapter 342, Kentucky Revised Statutes) but fails to elect to operate thereunder, or having so elected withdraws such election shall file with the Commissioner of Industrial Relations, within thirty (30) days after this Act becomes effective or such employment is begun or such previous election is withdrawn a good and sufficient security, indemnity bond or insurance policy issued by a surety or insurance company or other insurance carrier authorized to transact such business in this State, which shall insure the payment of any final judgment of a court of competent jurisdiction obtained against such an employer by an employee or his personal representative for damages resulting from injuries to the person or death of such employee, by accident arising out of and in the course of his employment. The bond or policy shall contain such terms and shall be in such penal sum or maximum amount as the Director of said department shall deem necessary, taking into consideration the solvency of the employer, the number of employees and the hazard of the employment in which they are engaged for the reasonable protection of such judgment creditors in the collection of the amounts adjudged to be due them.

It shall be a condition of such security, indemnity bond or insurance policy that the obligor will promptly pay such judgments to the persons entitled thereto. Such security, indemnity bond and insurance policy shall be renewed annually or when the first and succeeding bonds or policies expire or are terminated, or when the protection afforded by the bonds or security has been so diminished by reasons of judgments covered thereby so as to render the same inadequate.

SECTION 2—The amount and terms of such security or bond shall be determined by the Commissioner upon reasonable notice and opportunity for hearing. Any person, firm or corporation affected by such security or bond may, within forty (40) days after a final order or determination by the Commissioner requiring or fixing such security or bond, or refusing to require same, bring an action in the Franklin Circuit Court to modify or set aside such order or determination of the Commissioner.

The Court shall hear the cause and enter judgment affirming, modifying or setting aside the order or determination of the Commissioner or may, in its discretion, in advance of judgment remand the cause to the Commissioner for further proceedings consistent with the direction of the Court.

Either party to the action may, within forty (40) days after the entry of a final judgment by the Circuit Court, appeal to the Court of Appeals, and the appeal, when filed in the office of the Clerk of the Court of Appeals, shall be docketed and advanced in the same manner as in Commonwealth cases.

SECTION 3—"Employer" shall mean and include individuals, partnerships, voluntary associations, and private corporations.

"Hazardous occupations" shall mean and include:

(1) All work in and about quarries and mines of all kind.

(2) All work in the construction and repair of tunnels, subways, and viaducts;

(3) All work when making, using, or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive;

(4) The erection or demolition of any bridge, building or structure.

(5) The operation of all elevators, elevating machines, or derricks, or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure;

(6) All work on ladders or scaffolds of any kind elevated twenty fee or more above the ground, water, or floor beneath, in the erection, construction, repair, painting, or alteration of any building, bridge, or structure, or other work in which the same are used;

(7) All work of construction operation, alteration, or repair where wires, cables, switchboards or other apparatus or machinery are in use charged with electrical current;

(8) All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes;

(9) All work in mills, shops, works, yards, plants and factories where steam, electricity or any other mechanical power is used to operate machinery and appliances in and about such premises;

(10) All other employments not heretofore enumerated carried on by an employer in which there are engaged or employed three or more workmen or operatives regularly, in the same business or in or about the same establishment, either upon the premises or at the plant or away from the plant of the employer, under any contract of hire, express or implied, oral or written, except farm laborers, domestic servants, clerks, stenographers, and professional assistants engaged wholly in office work.

SECTION 4—Any employer who shall wilfully violate any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 nor more than $500, and each day's operation in violation of this act shall constitute a separate offense, and such employer shall be enjoined from continuing such violations at the suit of the Attorney General in an action instituted by him in the Franklin Circuit Court, on which jurisdiction to try such action is hereby conferred.

SECTION 5—Should any requirement or provision of this Act be held invalid, such invalidity shall not affect the validity of any other requirement or provision therein contained.

S. B. 150. An Act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 342.020, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than four hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an emergency, the employe may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

Section 2. That section 342.070, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $150, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $100, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons 65 percent of the average weekly earnings of the deceased employe, but not to exceed $15.00 nor less than $5 per week, shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $6,000.00.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $6,000.00.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 3. That Section 342.095, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven

days thereof, shall pay the employe a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed $18 nor less than $5 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury, nor in any case to exceed a maximum sum of $9000.00. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $9000.00.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(f) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration of subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 4. That section 342.100, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 420 weeks from the date of injury, nor exceeding the sum of $15 per week nor the maximum sum of $5000.00.

If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability and the benefits paid on account of total disability from the maximum allowed for partial disability.

Section 5. That Section 342.105, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

For injuries enumerated in the following schedule the employe shall received in lieu of all other compensation, except such as may be payable under KRS 342.020 to 342.030, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $5 per week nor exceeding $15 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 per cent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received

for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of or contractures (due to sears or injuries), which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm, 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks.

Section 6. That Section 342.110, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same when re-enacted shall read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury. In no event shall compensation for

an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employe but not less than $5 nor more than $12, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 420 weeks nor a maximum sum of $5000. Whenever the weekly payments under this section would be less than $3 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this section.

Section 7. That Section 342.140, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) Compensation shall be computed at the average weekly wage earned by the employee at the time of injury reckoning wages as earned while working at full time. "At full time" as used herein means a full working day for five (5) days in every week of the year regardless of whether the injured employee actually worked all or part of the time. If the employee shall not have been employed a sufficient length of time to establish an average weekly wage then compensation shall be based upon the average weekly wage as herein defined of these employees of the same employer in the same or most similar type of employment.

(2) If the employe, at the time of the injury, is regularly employed in a higher grade of work or occupation than formerly during the year, and with larger regular wages, only such higher grade of work or occupation, if it is not seasonal, shall be taken into consideration in computing his average weekly wages.

Section 8. That Section 342.315, sub-section (1), Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

"(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employe and to testify in respect thereto. Upon the application of either party, such appointment shall be made in any case where the amount of compensation claimed, or reasonably to be anticipated, exceeds the sum of $200.00. The physician or surgeon shall be allowed a reasonable fee to be fixed by the Board, not exceeding fifteen dollars for each examination and report, except that the board may allow additional reasonable amounts in extraordinary cases. The Board may allow traveling expenses to the employe or to the physician or surgeon. The traveling expenses and fees allowed under this subsection shall be paid out of the maintenance fund."

Section 9. That section 342.111, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within six months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require, a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post-office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against whom such award was made; and shall fix a time and place for a hearing of which notice shall be given to determine the dependability of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of

weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum of fifteen dollars a week.

S. Res. 29. Resolution for the benefit of John W. Faulkner, Williamsburg, Kentucky, etc.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Speaker of the House and the President of the Senate shall appoint a committee, composed of two members from the House of Representatives and one member from the Senate, to investigate the wisdom of the proposed sale of the Kentucky State Fair Grounds at Louisville and report their findings and recommendations to the General Assembly.

§ 2. The committee may employ expert counsel or appraisal engineers to superficially estimate the cost of remodeling, new additions and reconstruction necessary to completely modernize the present State Fair Grounds.

§ 3. An appropriation of $1000.00 is hereby made from the General Fund to defray the necessary expenses of the investigation.

Ordered that said bills and resolution be printed and referred.

Mr. Myers moved that the privilege of the floor be extended to Messrs. Boadley Davenport, Henry Graves and Harry W. Ennis.

Said motion was agreed to.

Mrs. Burnett moved that the privilege of the floor be extended to Mr. H. H. Harned.

Said motion was agreed to.

Mr. Wilborn moved that the privilege of the floor be extended to Messrs. Ora Suits and J. M. Mathews.

Said motion was agreed to.

The Committee to which the same had been referred, reported bills and a resolution of the following titles, viz.:

By Mr. Wagner of the Committee on Banking.

H. B. 396. An Act to amend sec. 289.200, subsec. 1 and 2 being a part of Chapter 289 KRS pertaining to building and loan associations.

H. B. 394. An Act to amend and re-enact Sec. 289.260 KRS requiring building and loan associations to set aside a portion of their gross profit each year as a reserve fund against contingent losses.

H. B. 253. An Act relating to banking.

H. B. 395. An Act to amend Sec. 289.080 subsec. 1 KRS being a part of chapter 289 KRS pertaining to building and loan associations.

By Mr. Howell of the Committee on Appropriations.

H. Res. 85. Resolution for the benefit of officers and employees of the Senate and House of Representatives.

With a Committee Amendment thereto.

By Mr. Weining of the Committee on Cities of the First Class.

H. B. 122. An Act relating to matrons for police courts.

S. B. 62. An Act providing for the appointment and

removal of deputy constables in counties containing a population of over 250,000.

H. B. 309. An Act relating to Senatorial Districts.

H. B. 354. An Act relating to compensation of the County Tax Commissioner and deputies in counties containing a city of the first class.

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 303. An Act providing for the regulation of the operation of refrigerated lockers, etc.

By Mr. Lowman of the Committee on Military Affairs.

H. B. 210. An Act relating to professional engineers.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Wagner of the Committee on Banks and Banking.

H. B. 184. An Act relating to small loans.

H. B. 170. An Act relating to petty loans.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time and so said bills were rejected.

The Speaker announced that he had referred bills heretofore reported or introduced in this House as follows, viz.:

House Bill No. 439—Committee on Cities of the First Class

House Bill No. 372—Committee on Trade and Commerce

House Bill No. 374—Committee on Judicial Council

House Bill No. 375—Committee on Agriculture No. 1

House Bill No. 376—Committee on Ways & Means

House Bill No. 377—Committee on Cities of First Class

House Bill No. 378—Committee on Cities of Second Class

House Bill No. 379—Committee on Constitutional Amendments

House Bill No. 381—Committee on Ways & Means

House Bill No. 382—Committee on Cities of Second Class

House Bill No. 383—Committee on Cities of Second Class

House Bill No. 384—Committee on Ways & Means

House Bill No. 385—Committee on Juvenile Courts & Children's Homes

House Bill No. 386—Committee on Cities of Fourth Class

House Bill No. 387—Committee on Agriculture No. 1

House Bill No. 388—Committee on Ways & Means

House Bill No. 389—Committee on Courts

House Bill No. 390—Committee on Ways & Means

House Bill No. 391—Committee on Suffrage & Elections

House Bill No. 392—Committee on Alcoholic Liquor Control No. 1

House Bill No. 394—Committee on Banks & Banking

House Bill No. 395—Committee on Banks & Banking

House Bill No. 396—Committee on Banks & Banking

House Bill No. 397—Committee on Cities of First Class

House Bill No. 398—Committee on Trade & Commerce

House Bill No. 399—Committee on Ways & Means

House Bill No. 400—Committee on Ways & Means

House Bill No. 401—Committee on Revenue & Taxation

House Bill No. 402—Committee on Education

House Bill No. 403—Committee on Cities of First Class

House Bill No. 404—Committee on Ways & Means

House Bill No. 405—Committee on Education

House Bill No. 406—Committee on Cities of First Class

House Bill No. 407—Committee on Public Ditches

House Bill No. 408—Committee on Appropriations

House Bill No. 409—Committee on Ways & Means

House Bill No. 410—Committee on Military Affairs

House Bill No. 411—Committee on Education

House Bill No. 412—Committee on Cities of Second Class

House Bill No. 413—Committee on Courts

House Bill No. 414—Committee on State Fair

House Bill No. 415—Committee on Judicial Council

House Bill No. 416—Committee on Ways & Means

House Bill No. 417—Committee on Ways & Means

House Bill No. 418—Committee on Cities of First Class

House Bill No. 419—Committee on Cities of First Class

House Bill No. 420—Committee on Ways & Means

House Bill No. 421—Committee on Juvenile Courts & Children's Homes

House Bill No. 422—Committee on Oils & Minerals

House Bill No. 423—Committee on Oils & Minerals

House Bill No. 424—Committee on Revenue & Taxation

House Bill No. 425—Committee on Cities of First Class

House Bill No. 426—Committee on Insurance — Fire & Marine

House Bill No. 427—Committee on Education

House Bill No. 428—Committee on Cities of Second Class

House Bill No. 429—Committee on Veterans' Legislation

House Bill No. 430—Committee on Judicial Council

Senate Bill No. 18—Committee on Ways & Means

Senate Bill No. 33—Committee on Suffrage & Elections

Senate Bill No. 44—Committee on Ways & Means

Senate Bill No. 60—Committee on Courts

Senate Bill No. 103—Committee on Ways & Means

Mrs. Burnett moved that the Rules of this House be suspended and that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 299. An Act relating to the annexation or reduction of territory by cities of the second class.

With a Committee Amendment thereto by way of Substitute therefor.

Said motion was agreed to.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it is deemed desirable to annex any unincorporated territory to any city of the second class or to reduce the boundaries thereof, the legislative body thereof may enact an ordinance defining the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least five issues of a daily paper published in such city; or if there is no daily paper, then in at least two issues of a weekly paper published in the city; or if there be no daily or weekly paper published in such city, then by posting copies of the ordinance for at least ten (10) days in four public places in the territory to be annexed or stricken off. In not less than thirty days after the enactment of such ordiance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court as provided in the next section, the legislative body of the city may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become a part of the city, or shall be stricken therefrom.

Section 2. Within thirty days after the enactment of an ordinance proposing to annex territory to the city or reduce the limits thereof, twenty-five (25%) per cent of the resident

freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall be issued thereon, and be executed on the chief executive officer of the city as in other cases, and the answer of the city shall be filed within twenty days after the service of the summons. The case shall be tried as an equity case and without the intervention of a jury. If the court is satisfied, upon the hearing, that less than fifty per cent of the resident freeholders of the territory to be annexed or stricken off have remonstrated, or that the adding or striking off of such territory to the city will be for the interest of the city and will cause no material injury to the owners of real estate in the territory sought to be annexed or stricken off, it shall so find and the annexation or reduction shall be approved. If the court is satisfied that more than fifty percent (50%) of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated and that said change will cause material injury to the owners of real estate in the limits of the proposed extension or reduction, then the annexation or reduction shall not take place, unless the court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city. In case the court shall so find, the annexation or reduction shall take place notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court is adverse to annexation or reduction no further effort to annex or strike off such territory shall be made within two years after the rendition of the judgment. But any judgment rendered adverse to annexation, under any previous law, shall not be a bar to proceedings to annex under this Act regardless of the time it was rendered. When an unincorporated territory is proposed to be annexed to or stricken from any city under the provisions of this Act, the court may find and decree that all or part or parts of such territory shall be added to the city, in which event the court

shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the court finds should be so annexed or stricken and that part only shall be annexed or stricken.

Section 3. The judgment shall, when entered, be certified to the legislative body of the city, who may thereupon annex to or strike from such city the territory described in the judgment, and the territory shall become or cease to become, as the case may be, a part of the city.

Section 4. Section 81.140 of the Kentucky Revised Statutes is hereby repealed.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I. Whenever it is deemed desirable to annex any unincorporated territory to any City of the second class or to reduce the boundaries thereof, the legislative body thereof may enact an Ordinance defining the boundary of the territory proposed to be annexed or stricken off, and such Ordinance shall thereupon be published in at least five issues of a daily paper published in such City; or if there is no daily paper, then in at least two issues of a weekly paper published in the City; or if there be no daily or weekly paper published in such city, then by posting copies of the Ordinance for at least ten (10) days in four public places in the territory to be annexed or stricken off. In not less than thirty (30) days after the enactment of such Ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the Circuit Court as provided in the Section III, hereof, the legislative body of the City may, by Ordinance, annex to the City the territory described in the Ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such Ordinance, such territory shall become a part of the City, or shall be stricken therefrom.

SECTION II. Within thirty (30) days after the enactment of an Ordinance proposing to annex territory to the City, Fifty (50%) Percent of the resident freeholders on

any street in said territory, not already supplied with sanitary sewers and street lights, or either, may file a Petition with the legislative body of the City requesting the City to order in said sewers and street lights, or either, and it shall be mandatory on the legislative body of the City to pass such Ordinance or Resolution as may be necessary to authorize the construction of said sewers in such manner as other such sewers are constructed in the City, and, to also, by Ordinance or Resolution, authorize the installation or maintenance of street lights. Said Resolution or Ordinance shall provide that the work to be let or performed shall start not later than twelve (12) months from the date of the enactment of said Resolution or Ordinance.

If the legislative body of the said City fails to provide for construction and or maintenance of said sewers and lights, as above directed, the Ordinance of Annexation shall be null and void.

Upon annexation of said territory the title to sewers and street lights in the highways of said territory shall vest in the City and the City shall henceforth maintain said sewers and street lights as other sewers and lights are maintained in said city.

SECTION III. Within thirty (30) days after the enactment of an Ordinance proposing to annex territory to the City or reduce the limits thereof, Twenty-five (25%) Percent of the resident freeholders of the territory proposed to be annexed or stricken off may file a Petition in the Circuit Court of the County, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall be issued thereon, and be executed on the chief executive officer of the City as in other cases, and the Answer of the City shall be filed within twenty (20) days after the service of the summons. The case shall be tried as an equity case and without the intervention of a Jury. If the Court is satisfied, upon the hearing, that less than Seventy-five (75%) Percent of the resident freeholders of the territory to be annexed or stricken off have remonstrated, or that the adding or striking off of such territory to the City will be for the interest of the City

and will cause no material injury to the owners of real estate in the territory sought to be annexed or stricken off, it shall so find and the annexation or reduction shall be approved. If the Court is satisfied that more than Fifty (50%) Percent of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated and that said change will cause material injury to the owners of real estate in the limits of the proposed extension or reduction, then, the annexation or reduction shall not take place, unless the Court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such City. In case the Court shall so find, the annexation or reduction shall take place notwithstanding the remonstrance. An appeal from the judgment of the Court may be taken, as in other cases, but there shall be no change of venue from the County. Costs shall follow the judgment. If the judgment of the Court is adverse to annexation or reduction no further effort to annex or strike off such territory shall be made within two (2) years after the rendition of the judgment. But any judgment rendered adverse to annexation, under any previous law, shall not be a bar to proceedings to annex under this Act regardless of the time it was rendered. When any unincorporated territory is proposed to be annexed to any City under the provisions of this Act, the Court may find and decree that all or a part or parts of such territory shall be added to the City, in which event the Court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the Court finds should be so annexed, and that part only shall be annexed.

SECTION IV. The judgment shall, when entered, be certified to the legislative body of the City, who may thereupon annex to or strike from such City the territory described in the judgment, and the territory shall become or cease to become, as the case may be, a part of the City.

SECTION V. Section 81.140 of the Kentucky Revised Statutes is hereby repealed.

Said substitute was then adopted.

Mrs. Burnett moved that the vote by which said Substitute was adopted, be reconsidered.

Thereafter such reconsideration, Mrs. Burnett offered the following amendment to said Substitute, viz.:

Amend the Committee Substitute for H. B. 299 by striking out the words "seventy-five (75%) percent" and substituting in lieu thereof the following: "fifty (50%) percent."

Said Amendment was agreed to.

Said Substitute was then adopted, as amended.

Mr. Myers moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	G. O. Kirkpatrick
Harold L. Barnes	Adron Doran	Edgar Kitchen
F. H. Bassett, Jr.	G. I. Drury	A. L. Love
W. G. Biggers	A. H. Eversole	W. E. McClure
Jack Bingham	Tom Gilliam	Fred Morgan
B. J. Bonn	Otto W. Goff	Thos. A. Noe
Mrs. Mary Burnett	Maurice Howard	Luther Slusher
Chas. W. Burnley	Jerry F. Howell	Geo. W. Steinford
Alex. H. Calvert	Ira W. Hulette	Ralph G. Stone
W. K. Coleman	Kerby Jennings	Lawrence Wells
Fred Creasey		—31

Those who voted in the negative were—

Ott Begley	Homer E. Losey	L. W. Preston
J. C. Bradley	H. K. Lowman	E. F. Prichard
John Y. Brown	Ed Marcum	Hobart Rayburn
L. A. Demumbrun	E. H. Martin	Wade H. Riley
E. R. Denny	Jack McPherron	Amos Runyan
Forest C. Easley	Harry L. Moore	J. W. Simmons
Bernie S. Edlin	J. L. Moore	Forrest Smith
Eck Embry	J. Lee Moore	E. A. Spencer
M. B. Gilligan	Joe T. Morgan	Paul J. Stapleton
Harold G. Helm	E. C. Mullins	L. S. Stephens
J. J. Huff	Rodes K. Myers	E. L. Thompson
W. H. Hunt	J. C. Newcomb	Ray G. Tipton
Paul Jonas	Joe E. Nunn	E. N. Todd
L. H. Jones	Louis T. Peniston	Walter L. Trivette
B. F. Kincaid	Sylvester Phillips	—44

Mr. Myers moved that the vote by which said bill was rejected, be reconsidered.

Said motion was disagreed to.

Mr. Losey moved that the vote by which said bill was rejected be reconsidered and that said motion lie on the table.

Said last named motion was disagreed to.

Mr. Doran moved that a resolution entitled:

S. Res. 5. Resolution providing for purchase of 550 copies of Kentucky Directory.

Which was reported by the Committee on Appropriations on February 21, with the expression of opinion that said resolution ought not to pass,

Be recommitted.

Without objection, said motion was agreed to and said resolution was recommitted

To the Committee on Appropriations.

Mr. Kincaid moved that the Rules of this House be suspended and that a bill entitled:

H. B. 31. An Act relating to the manner of holding primary and regular elections in cities of the third class.

Be taken up for immediate consideration from the Orders of the Day.

Said motion was disagreed to.

Mr. Mullins moved that a bill entitled:

H. B. 149. An Act relating to the issuance of marriage licenses.

Which was reported by the Committee on Ways and Means on February 6, with the expression of opinion that said bill ought not to pass,

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was disagreed to.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 307. An Act relating to political subdivisions of the State and the purchase of supplies, materials and equipment.

H. B. 76. An Act repealing and re-enacting Sec. 745 of the Civil Code of Practice.

H. B. 367. An Act relating to new trials and to amend subsec. 4 of sec. 340 of the Civil Code of Practice.

H. B. 334. An Act amending Sec. 237 of the Kentucky Criminal Code.

H. B. 24. An Act to amend Sec. 183 of the Criminal Code of Practice.

H. B. 312. An Act relating to Game and Fish.

With a Committee Amendment thereto.

H. B. 291. An Act relating to mining.

H. Res. 63. Resolution authorizing the payment of a witness claim to Mrs. Maude Bailey.

H. Res. 61. An Act authorizing Fred Raymer and Eldon White to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 50. Resolution authorizing Bart Bloomer to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 53. Resolution authorizing Dan T. Martin to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 11. Resolution authorizing Mell T. Prather to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 49. Resolution authorizing Gilbert Brumley to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 34. Resolution authorizing Myrtle Cooper to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 33. Resolution authorizing A. E. Funk and his wife, Myrtle Funk to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 36. Resolution authorizing Curtis Pigman to sue the Commonwealth.

With a Committee Amendment thereto.

H. Res. 48. Resolution authorizing F. B. Dadisman and Iva Dadisman to sue the Commonwealth.

With a Committee Amendment thereto.

H. B. 282. An Act making provision for a Department of Banking; providing for the organization, etc.

H. Res. 31. Resolution appropriating the sum of $802.11 to the War Department.

H. B. 224. An Act relating to services, rights, etc. to be made available to customers of mercantile establishments.

H. B. 171. An Act relating to non-profit medical service plan corporations.

With a Committee amendment thereto by way of Substitute therefor.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Noe.

H. B. 435. An Act relating to facilities for the transportation of school children.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The State Board of Education, from funds appropriated for the purpose, shall annually purchase such number of motor busses, suitable and appropriate for the transportation of school children, as the funds appropriated will permit. The busses so purchased shall comply with standards and specifications fixed by regulations of the State Board. Purchases shall be made only under contract awarded to the lowest and best bidder, after advertisement and the submission of sealed bids as hereinafter provided in this section. A notice that bids will be received, stating the number of busses required and describing in general terms the specifications thereof, and stating the time and place at which bids will be received and opened, shall be published each day for six consecutive days in a daily newspaper having general circulation throughout the state, the last publication to be made not less than thirty days before the day on which bids are to be opened. A similar notice shall be mailed, not less than thirty days before the day on which bids are to be opened, to such manufacturers of school bus bodies and chassis in the United States as are listed in trade journals or other publications available to the board. Detailed specifications shall be furnished to any bona fide representative of a prospective bidder. Bids shall be in writing, and sealed, and shall be opened and read publicly by the State Board as they are opened. The State Board may reject any or all bids, and advertise for new bids. The provisions of Sections 42.060 and 42.070 of the Kentucky Revised Statutes shall not apply to the purchase of busses under this Section.

2. The title to the busses purchased pursuant to this Act shall be vested in the State Board of Education, in its corporate capacity. The State Board shall procure, and maintain in force, adequate insurance against loss by collision, fire, or other casualty usually insured against, covering all busses owned by it. The premiums for such insurance shall be paid from the funds appropriated for carrying out the purpose of this Act.

3. Each year, in advance of the time that busses will be available for delivery, the State Board of Education shall send to the board of education of each school district in the state an application form, prepared by the State Board, for use of the local boards in making application for busses. The form shall provide spaces for indicating the number of pupils who attended the public schools of the district during the preceding school year, the number of such pupils furnished transportation by the board, the number of busses operated by the board and the age and general condition of each, and such other information as the State Board deems necessary including a plan for any new or additional programs of pupil transportation. The board of education of any school district desiring to secure the use of one or more busses under the provisions of this Act shall file the completed application form with the State Board within such time as is fixed by the State Board.

4. Each year, after the expiration of the time fixed for the filing of applications by local boards, the State Board of Education shall examine the applications and shall allocate the busses purchased that year to the various school districts whose applications have been approved.

5. (1) The superintendent of schools of each district, as executive agent of the local board, shall act as custodian of the busses allocated to the district.

(2) The local board shall maintain the busses in good state of repair, ordinary wear and tear excepted, and shall operate same in accordance with law and the regulations of the State Board of Education, and the local board shall maintain insurance against personal injury, death, or prop-

erty damage arising from the negligent operation of the busses, in accordance with the provisions of KRS 160.310.

(3) The local board shall procure any license required by law in connection with the operation of the busses, and shall pay all operating expenses.

(4) The local board, upon demand by the State Board of Education, shall peaceably surrender the busses to the State Board.

(5) In case of a violation of the provisions of this Section or of the regulations of the State Board of Education, the Stae Board may require the local board to surrender to the State Board any bus allocated to the local board under this Act. Any bus so surrendered shall, if in usable condition, be allocated to some other district.

6. Before any bus allocated to a school district under this Act is delivered to the district, the superintendent of schools of the district shall be required to execute a bond, with an approved surety company, to the State Board of Education, in the penal sum of an adequate amount for each bus, conditioned upon faithful performance of the duties of the superintendent as custodian of the bus. Any new superintendent thereafter taking office in the district shall be required to execute a similar bond covering his duties as custodian of any such busses in the possession of the district. Premiums for such bonds shall be paid out of the treasury of the local board of education.

7. When any bus allocated to a school district under this Act has been damaged beyond repair, or has become worn or dilapidated to such an extent that it is no longer capable of efficient and economical operation, the district board of education shall report such fact to the State Board of Education, and upon being satisfied of such fact, the State Board shall direct that the bus be returned to the State Board, which shall dispose of the same, and the proceeds thereof shall be deemed to have been appropriated to the State Board for the purpose of carrying out the provisions of this Act.

8. For the purpose of carrying out the provisions of this Act, there is hereby appropriated to the State Board of Education, out of the General Expenditure Fund in the State

Treasury, the sum of $500,000 each year for the fiscal years 1946-47 and 1947-48.

By Mr. Paul Jones.

H. B. 436. An Act relating to fireworks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substance, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include the type of ballons that require fire underneath to propel them, fire crackers, torpedoes, skyrockets, Roman candles, Dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound.

The term "fireworks" does not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five one hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol caps containing less than twenty-five one hundredths grains of explosive compound.

Section 2. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail, or use to explode any fireworks; provided that the POLICE DEPARTMENT, COUNTY JUDGE OR THE SHERIFF shall have power to grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the Chiefs of the Police and Fire Departments of the municipality in which the display is to be held and shall be of such a character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department,

after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 3. The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than five hundred ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or subcontractors.

Section 4. Nothing in this act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped directly out of the state; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for the use by military or organization.

Section 5. Any person, firm, co-partnership, or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment.

By Mr. Bassett.

H. B. 437. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every race track shall pay to the state a tax in the amount of three percent (3%) of all money bet through

the pari-mutuel or similar system of betting legally in operation at the track.

§ 2. The manager of every race track is hereby appointed the agent of the Department of Revenue for the collection of the tax levied by this Act. Such manager shall at the conclusion of each week of racing and not later than the Tuesday following the conclusion of each week of racing report, on blanks furnished by the department of Revenue, the total amount of money bet each day, and at the same time shall pay to the Department of Revenue the amount of the tax hereinabove levied upon such money bet. The manager of every race track shall make such arrangements with the operators of the pari-mutuel or other system of betting as shall be necessary for obtaining the information required by this section and collecting the tax levied by this Act.

§ 3. Upon failure of the manager of the race track to make the report and pay the tax within the time provided in Section 2, a penalty of twenty percent (20%) of the amount of the tax with interest at the rate of six percent (6%) per annum from the date when due until paid is hereby imposed and shall be paid into the State Treasury as part of the tax. Should it be necessary to bring legal proceedings for the collection of the tax imposed by this Act, an additional penalty of twenty percent (20%) is hereby imposed.

§ 4. Every race track shall be responsible for the faithful performance by its manager of the duties imposed by this Act upon said manager, and upon failure of performance of such duties the Department of Revenue shall refuse to issue the license required by KRS 137.170, and may enjoin the operation of the race track.

§ 5. The administration of the tax levied by this Act is vested in the Department of Revenue, which may prescribe all forms and promulgate all rules and regulations necessary for the enforcement thereof.

§ 6. One-half of the revenue received from the three percent pari-mutuel tax imposed by section one of this Act shall be placed to the credit of the Division of Public Assistance in the Department of Welfare, and shall be deemed to

have been appropriated for the administration of old age assistance, aid to dependent children, and aid to the needy blind, under KRS Chs. 200, 205, and 207. The amounts so credited shall be in addition and supplemental to any other appropriation to the Division of Public Assistance for such purposes.

§ 7. One-half of the revenue received from the three percent pari-mutuel tax imposed by section one of this Act shall be placed to the credit of the Kentucky State Fair Board, and shall be deemed to have been appropriated as a special fund for aid to county and community fairs through premiums and other forms of encouragement of such fairs, to be distributed under regulations promulgated by the State Fair Board. The amount so credited shall be in addition and supplementary to any other appropriations to the Kentucky State Fair Board for such purposes.

By Mr. Hammonds.

H. B. 438. An Act relating to fowl.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall permit any poultry or other domestic fowl to trespass on the property of another, and the owner of such fowl shall be liable for any damage done by the fowl while so trespassing.

§ 2. No person who has in his possession any poultry or other domestic fowl infected with a communicable disease shall:

(1) Knowingly permit such fowl to run at large;

(2) Knowingly keep such fowl where other domestic fowl may become infected with or exposed to the disease; or

(3) Knowingly permit such fowl to go on or along any public highway, or in any field through which flows a stream.

§ 3. Any person who violates any provision of this Act shall be fined not less than fifty dollars nor more than two hundred dollars.

By Mr. Ralph Stone.

H. B. 439. An Act relating to Representative Districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Sub-section (35) of Section 6.030 of the Kentucky Revised Statutes, 1944 edition, is amended and reenacted to read as follows:

(35) Thirty-fifth District. That portion of Jefferson County outside the boundaries of the City of Louisville whose boundary is as follows: Beginning on the West shore of the Ohio River at low water where the Southwest boundary line of the City if extended would intersect; thence Southwestwardly, Southwardly and Southwestwardly, with the West shore of the Ohio River to a point where it intersects the Hardin County line; thence Southeastwardly with the Hardin County line to where it intersects the Bullitt County line; thence Northeastwardly and Southeastwardly with the Bullitt County line to the center line of Bardstown Road; thence Northwestwardly with the center line of Bardstown Road to the present City boundary line of the City of Louisville; thence Southwestwardly, westwardly, Northwestwardly, southwestwardly, to the intersection of Clark's Lane and Pindell Avenue; thence Southeast with the center line of Pindell Avenue to the center line of Howland Avenue; thence Southwest with the center line of Howland Avenue, to the City boundary line at the rear of the property on the East side of Delor Avenue; thence Southeast and Northeast with the City boundary line to the center line of Pindell; thence Southeast with the center line of Pindell to the Southern City boundary line; thence with the City boundary line Southwest to the City boundary line in the rear of property on the West side of Parklawn Drive; thence Northwest with the City boundary line to the center line of Clark's Lane; thence Southwestwardly with the City boundary line; thence Southwardly and Northeastwardly and Southeastwardly, and Southwestwardly, thence Southwardly; thence Westwardly;

thence Northwestwardly and Southwestwardly with the City boundary line; to the intersection of East property line of Third Street Road and the City Boundary line as of 1922; thence South with the East property line of Third Street Road to the North property line of Alger Avenue; thence West with the North property line of Alger Avenue to the East property line of Third Street; thence North with the East property line of Third Street to the City boundary line as of 1922, Southwestwardly; to the intersection of the West line of Lone Oak Trail, and the City of Louisville boundary line as established in 1922; thence Southwardly with the West line of Lone Oak Trail, to a point 374.60 feet South of the South line of Inverness Avenue, and being the South line of Lots 1 and 71, County Tax Commissioner Map 61,—G; thence Southwestwardly with the South line of Lots 70 and 71, City Tax Commissioner Map 61—G., approximately 632 feet to the Northeast corner of the Lawnview Subdivision; thence Southeast with the Northeast line of Lawnview Subdivision, 38.9 feet to the West line of Laughlin Avenue; thence South with the West line of Laughlin Ave. to the North line of Kenwood Avenue; thence West with the North line of Kenwood Avenue to the City of Louisville Boundary Line; thence Southwardly; thence Westwardly; thence Southwestwardly; thence Westwardly; thence Northwestwardly; thence Northwardly; thence Eastwardly; thence Northwestwardly; thence Northwardly; thence Northeastwardly; thence Northwardly; thence Northeastwardly with the City Boundary line; to the intersection of McCoy Avenue and Lester Avenue; thence Northwest and Northeast with the City Boundary line, to the City Boundary line along the Northeast line of Schneiter Avenue; thence Southeast with the City Boundary line to the rear of the property on the North side of Weyler Avenue; thence Northeast with the City Boundary line at the rear of the property on the North side of Weyler Avenue to the City Boundary line along the northeast side of Dale Avenue; thence Southeast with the City boundary line along the Northeast side of Dale Avenue, to the City Boundary line at Weyler Avenue; thence Southeast with the Old City Boundary line of 1922;

thence Northeast; thence Northwest; thence Northeast; thence Northwest; thence Northeast; thence West with the City Boundary line of 1922; to a point 326.86 feet West of Dixie Highway; thence West with the line of the City Boundary as annexed November 15th, 1944, to a point 119.82 feet West of 23rd Street; thence Northwest to the City boundary line of 1922, and being 165.84 feet West of 23rd Street; thence West with the City boundary line; thence Northwest; thence West to the present City Boundary line if extended to the West shore of the Ohio River at low water to the point of beginning.

Section 2. That Sub-section (37) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(37) Thirty-seventh District. That portion of the City of Louisville whose boundary is as follows: Beginning on the east boundary line of the City of Louisville where it intersects the Beargrass Creek in Seneca Park; thence westwardly along the center line of Beargrass Creek to the southeast boundary of Cherokee Park, if extended; thence Southwest with the southeast boundary of Cherokee Park, if extended; to the center line of Cherokee Road; thence Southwest, northwest, southwest, northwest, southwest, and northwest along the center line of Cherokee Road to the center line of Cherokee Parkway; thence northeast and northwest with the center line of Cherokee Parkway to the center line of Grinstead Drive; thence westwardly with the center of Grinstead Drive to the center line of Slaughter Avenue, if extended, to the center line of Bardstown Road; thence northwest with the center line of Bardstown Road to the center line of Ellwood Avenue; thence southwest with the center line of Ellwood Avenue to the center line of Baxter Avenue; thence northwest with the center line of Baxter Avenue to the center line of Rufer Avenue; thence southwest with the center line of Rufer Avenue to the center line of Barrett Avenue; thence Northwest with the center line of Barrett Avenue to the center line of Kentucky Street; thence southwest with the center line of Kentucky Street to the center line of Beargrass Creek; thence westwardly along the

center line of Beargrass Creek and the center line of Kentucky Street, if extended; to the center line of Shelby Street; thence southwardly and Southeast with the center line of Shelby Street to the present city boundary; thence northeast with the present city boundary to the rear of the property of Lansdown and Parklawn Drive, if extended; thence Southeast; thence Northeast to Pindell Avenue; thence Northwest with Pindell Avenue; thence Southwest; thence Northwest with the present City boundary line to Howland Avenue; thence Northeast with Howland Avenue to Pindell Avenue; thence Northwest with Pindell Avenue to the City boundary line of 1922; thence Northeast, Southeast, Northeast, Northwest, East northwest, Southeast and northwest to the center line of Beargrass Creek in Seneca Park, point of beginning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 3: That subsection (39) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and reenated to read as follows:

(39) Thirty-ninth District. That portion of the City of Louisville whose boundary is as follows: Beginning on the north shore of the Ohio River at low water mark where the center line of Floyd Street, if exended would intersect; thence south with the center line of Floyd Street to the center line of College Street; thence east with the center line of College Street to the center line of Preston Street; thence south with the center line of Preston Street and the center line of Arthur Street to the center line of Eastern Parkway; thence southeast with the center line of Eastern Parkway to the center line of Crittenden Drive; thence south with the center line of Crittenden Drive to the present city boundary line; thence southeast with the present city boundary line and northeast, southeast southwest, southeast, southwest to the center line of the Louisville and Nashville Railroad right-of-way; thence northwest with the center line of the Louisville and Nashville right-of-way to the center line of Harlan Street, if extended; thence east with the center line of Harlan Street, if extended, to the center line of Floyd Street; thence north with the center line of Floyd Street to the center line of

Warnock Street; thence west with the center line of Warnock Street to the center line of Shipp Street; thence northwest with the center line of Shipp Street to the center line of Third Street; thence north with the center line of Third Street; thence north with the center line of Third Street to the center line of Avery Street; thence west with the center line of Avery Street to the center line of Fifth Street, if extended; thence north with the center line of Fifth Street, if extended, and the center line of St. James Court, if extended, and the center line of Garvin Place to the center line of St. Catherine St.; thence east with the center line of St. Catherine Street to the center line of Fifth Street; thence northwardly with the center line of Fifth Street and Fifth Street, if extended, to the north shore of the Ohio River at low water mark; thence eastwardly with the north shore of the Ohio River at low water mark to the center line of Floyd Street, if extended, point of beginning.

Section 4. That Subsection (40) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(40) Fortieth District. That portion of the City of Louisville whose boundary is as follows:

Beginning on the north shore of the Ohio River at low water mark where the center line of Fifth Street, if extended, would intersect; thence South with the center line of Fifth Street, if extended, and the center line of Fifth Street to the center line of St. Catherine Street; thence west with the center line of St. Catherine Street to the center line of Garvin Place; thence south with the center line of Garvin Place, if extended, and the center line of St. James Court, the center of St. James Court, the center line of Fifth Street, if extended, to the center line of Avery Street; thence east with the center line of Avery Street to the center line of Third Street; thence south with the center line of Third Street to the center line of Shipp Street; thence Southeast with the center line of Shipp Street to the center line of Warnock Street; thence east with the center line of Warnock Street to the center line of Floyd Street; thence south with the

center line of Floyd Street to the center line of Harlan Street, if extended; thence west with the center line of Harlan Street, if extended, to the center line of the Louisville and Nashville Railroad right-of-way; thence southeast with the Louisville and Nashville right-of-way to the present city boundary line; thence southwest, northwest and southwest along the City boundary line to the center line of Third Street Road; thence South with the center line of Third Street Road to the North property line of Alger Avenue; thence West with the North property line of Alger Avenue to the East property line of Third Street; thence North with the east property line of Third Street to the City boundary line as of 1922; thence North with the center line of Third Street to the center line of Kenwood Way; thence northwest with the center line of Kenwood Way to the center line of Southern Parkway; thence north with the center line of Southern Parkway to the center line of Ashland Avenue; thence west with the center line of Ashland Avenue to the center line of Sixth Street; thence north with the center line of Sixth Street to the center line of Park Avenue; thence West with the center line of Park Avenue to the center line of Eighth Street; thence north with the center line of Eighth Street to the center line of Florence Street; thence East with the center line of Florence Street to the center line of Eighth Street; thence north with the center line of Eighth Street to the center line of Longfield Avenue; thence east with the center line of Longfield Avenue; thence east with the center line of Longfield Avenue to the center line of Seventh Street, if extended; thence north with the center line of Seventh Street and Seventh Street, if extended, to the center line of the Southern Railroad; thence northwest with the center line of the Southern Railroad to the center line of Tenth Street; thence north with the center line of Tenth Street and Tenth Street if extended to the north shore of the Ohio River at low water; thence eastwardly with the north shore of the Ohio River at low water to the center line of South Street, if extended, point of beginning.

Section 5. That subsection (41) of Section 6.030 of the

Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(41) Forty-first District. That portion of the City of Louisville whose boundary is as follows:

Beginning at a point where the center line of Tenth Street, if extended would intersect the P.C.C. & St. L. Bridge; thence south with the center line of Tenth Street and Tenth Street, if extended to the center line of the Southern Railroad right-of-way; thence Southeast with the center line of the Southern Railroad right-of-way to the center line of Seventh Street if extended; thence south with the center line of Seventh Street if extended to the center line of Longfield Avenue; thence west with the center line of Longfield Avenue to the center line of Eighth Street; thence south with the center line of Eighth Street to the center line of Florence Street; thence west with the center line of Florence Street to the center line of Eighth Street; thence south with the center line of Eighth Street to the center line of Park Avenue; thence east with the center line of Park Avenue to the center line of Sixth Street; thence South with the center line of Sixth Street to the center line of Ashland Avenue; thence east with the center line of Ashland Avenue to the center line of Southern Parkway; thence south with the center line of Southern Parkway to the center line of Kenwood Way; thence southeast with the center line of Kenwood Way to the center line of Third Street; thence South with the center line of Third Street to the present city boundary; thence southwest with the present city boundary; to the intersection of the West line of Lone Oak Trail; and the City of Louisville boundary line as established in 1922; thence Southwardly with the West line of Lone Oak Trail to a point 374.60 feet South of the South line of Inverness Avenue, and being the South line of Lots 1 and 71, County Tax Commissioner Map 61—G; thence Southwestwardly with the South line of Lots 70 and 71, City Tax Commissioner Map 61—G., approximately 632 feet to the Northeast corner of the Lawnview Subdivision; thence Southeast with the Northeast line of Longview Subdivision, 38.9 feet to the West line of Laughlin

Avenue; thence South with the West line of Laughlin Ave., to the North line of Kenwood Avenue; thence South with the West line of Laughlin Ave., to the North line of Kenwood Avenue; thence West with the North line of Kenwood Avenue to the City of Louisville Boundary Line; thence South; thence Southwest, West, North, East, Northwest, Northeast, North, Northeast, with the City boundary line; to the intersection of McCoy Avenue and Lester Avenue; thence Northwest and Northeast with the City Boundary line to the City Boundary line along the Northeast line of Schneiter Avenue; thence Southeast with the City Boundary line to the rear of the property on the north side of Weyler Avenue; thence Northeast with the City boundary line at the rear of the property on the North side of Weyler Avenue to the City Boundary line along the Northeast side of Dale Avenue; thence Southeast with the City boundary line along the Northeast side of Dale Avenue, to the City boundary line of Weyler Avenue; thence Southeast with the Old City boundary line of 1922; thence Northeast; thence Northwest; thence Northeast; thence Northwest; thence Northeast; thence West to the City boundary line of 1922 to the center line of Sixteenth Street; thence North with the center line of Sixteenth Street to the center line of Kentucky Street; thence east with the center line of Kentucky Street to the center line of Fourteenth Street; thence north with the center line of Fourteenth Street and Fourteenth Street, if extended to the center line of the P.P.C. and St. L. Bridge; thence north with the P.C.C. and St. L. Bridge to a point where the center line of Tenth Street if extended would intersect, point of beginning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 6. That Subdivision (43) of Section 6.030 of the Kentucky Revised Statutes, 1944 Edition, is amended and re-enacted to read as follows:

(43) Forty-third District. That portion of the City of Louisville whose boundary is as follows:

Beginning on the North shore of the Ohio River at low water mark where the center line of twenty-second street (old Twenty-first Street) if extended would intersect; thence

Southwestwardly with the center line of said Twenty-second Street, if extended, and the center line of said Twenty-second Street (old Twenty-first Street from Dumesnil Street) to the boundary line of the City of Louisville of 1922; thence south with the center line of Twenty-second Street to the new city boundary line of 1944, thence West with the City boundary line of 1944 and City boundary line of 1922 to Twenty-fifth Street; thence northward with the center line of Thirty-fifth Street to the center line of Southern Avenue; thence Eastwardly to the center line of Southern Avenue to the center line of K. & I. Railroad right-of-way if extended, thence Northwardly with the center line of the K. & I. Railroad right-of-way and the center line of Thirty-third Street, if extended, would intersect the north shore of the Ohio River at low water; thence northeastwardly with the north shore of the Ohio River at low water to the center line of Twenty-second Street (Old Twenty-first Street) if extended, at point of beginning.

Section 7. Whereas Jefferson County is installing Voting Machines in said County which will necessitate the consolidation of existing voting precincts therein in order to average 700 votes to the precinct; and

Whereas, the purpose of this Act is to adjust and correct the description of boundary lines in the following Legislative Districts, viz: 35th, 37th, 39th, 40th, 41st, and 43rd, and

Whereas the City of Louisville has at various times annexed certain areas to said corporate limits, and to render the consolidation of the voting precincts more feasible, convenient and just, and,

Whereas said consolidation of said voting precincts must be accomplished immediately in order to complete the installation of voting machines for use at the Primary Election in August of 1946,

Now, Therefore, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor.

By Messrs. Brown, Howell, Baker, Trivette, Hunt and Bingham.

H. B. 440. An Act relating to the mining and producing of bituminous coal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 351.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(e) "Gaseous mine" means any mine in which methane can be or has been detected in the air in amounts of twenty-five one-hundredths per cent or more, or where at least five per cent of methane can be detected in the vicinity of any shot-hole, crevice in the coal, roof, or floor of that mine, or when inflammable gas enters a split of ventilating current at a rate of more than twenty-five cubic feet per minute.

"Nongaseous mine" means any mine not classified as a gaseous mine.

(f) "Mine" means a group or system of shafts, slopes, drifts or inclined planes connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, and connected with excavations that penetrate coal strata and are ventilated by one general air current or divisions thereof.

(g) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(l) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Chief of the Department of Mines and Minerals.

(m) "Grounding" means the establishment of a low-resistance or low-impedance metal-ground connection or path, extending continuously from the part to be protected to a low-resistance earth connection. The ground connection should have sufficient current-carry capacity to operate over-current circuit-breaking devices. It should do this without overheating any part of the connection and be strong enough mechanically to withstand the stress or abuse to which it may be subjected.

(n) "Permissible" means a device, apparatus, equipment, machinery or explosives listed by the United States Bureau of Mines as having met its requirements.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

§ 2. Section 351.060 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.060 The Chief of the Department of Mines and Minerals shall be a male citizen of Kentucky with at least fifteen years mining experience, ten years of which shall have been in and about the mines of this state. He shall be thorough familiar with all methods of safety pertaining to the operation of mines, including the methods used in locating oil and gas wells when drilled through any coal seam and the proper manner of drilling and plugging oil and gas wells.

§ 3 Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.090 (1) The Governor shall appoint for a term of four years not more than twenty-five district mine inspectors, one of whom shall be designated as an electrical district mine inspector, and not more than eight inspectors of mine weights.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, shall possess thoroughly the knowledge required of the chief of the department by subsection (2) of KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector and each inspector of mine weights shall receive a salary of not less than three thousand six hundred dollars nor more than four thousand two hundred dollars per annum, payable monthly, and shall be paid their necessary traveling and other expenses incurred on account of and when engaged in the discharge of their official duties. Salaries shall be determined by the chief of the Department and approved by the Governor, and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

§ 4. Section 351.100 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.100 (1) The Board of Examiners for the certification of district mine inspectors, mine foremen and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals:

(b) Any two district inspectors, the selection of whom is optional with the Chief, who may select them alternately or otherwise:

(c) One miner who has had at least seven years of practical experience in the mining of coal, four years of which have been in the mines of this state, and who actually is employed in mining coal at the time of appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a coal mine in this state.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

§ 5. Section 351.120 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.120 (1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, has passed the examination given by the board for

that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required examination and possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, and is authorized to act as such.

(3) Certificates issued to mine foremen shall be classified as follows:

(a) First-class certificates, authorizing the holder to act as foreman for all classes of coal mines;

(b) Second-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine; and

(c) Third-class certificates, authorizing the holder to act as foreman for any nongaseous coal mine in which not more than twenty-five persons are employed at one time.

(4) Any mine foreman holding a certificate of the first class may act as fire boss, and any regularly employed fire boss may act in an emergency as a mine foreman holding a first-class certificate.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant.

(6) In addition to all other requirements as provided for herein or as may be required by the Board of Examiners, no certificate shall be granted to any mine foreman unless he shall have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safety lamps, and shall have a practical knowledge of the subject of ventilation of mines and the machinery and appliances used for that purpose, and shall be a person with at least five year's experience in mines in liberating explosive gases. No certificate shall be granted to any person who does not present the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at

and in coal mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state.

(7) Persons possessing certificates of qualification to act as district mine inspector, mine foreman or fire boss prior to July 12, 1934, are not affected by this section.

§ 6. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.140 Each mine inspector shall give his entire time and attention to the duties of his office which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause, when called upon by the owner or operator and directed by the chief to do so; and

(6) Inspecting each mine in his district at least once every three months, or oftener if practicable, and, wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

§ 7. Section 351.150 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.150 Each district mine inspector shall each week report in writing to the chief of the department the number and condition of all mines inspected by him during the week.

Each mine inspector shall each week deliver to the chief of the department a written report showing the condition of each mine inspected by him, and, at the same time, shall deliver a copy of such report to the operator or the superintendent of each mine inspected and another copy thereof to the mine committee at such mine so inspected; and at the same time each mine inspector shall post a copy of such inspection report on a bulletin board at a prominent place of the operating company or mine where it may conveniently be read by any of the mine employees, which copy, so posted, shall remain posted until a subsequent inspection report is issued by the mine inspector.

Each district mine inspector shall, within fifteen days after the close of each calendar year, file with the chief a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

§ 8. Section 351.160 of the Kentucky Revised Statutes is amended to read as follows:

§ 351.160 (1) The Chief of the Department shall annually make a report to the Governor of his proceedings during the preceding calendar year. The annual report shall be prepared and printed as soon as possible within the four months after the close of the calendar year. The annual report shall cover the complete operation of the coal mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) The Chief shall keep and index a permanent record of all inspections made by himself and of all reports relating to inspection of mines furnished to him by district mine inspectors. All such records of the department of mines shall be public records and shall, at all times, be open to the inspec-

tion of the public, and shall be laid before the governor of the state upon his request at any time.

The department of mines shall furnish certified copies of any such records, when requested to do so upon payment of such fee as is generally charged by courts of record for certified copies. Such fee shall be paid into the treasury of the state.

§ 9. Section 352.020 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.020 (1) The ventilation of all coal mines at which five or more men are employed shall be produced by means of mechanically operated fans located outside the mine, and which fans shall run continuously day and night and shall be inspected at least daily. A recording pressure gauge shall be maintained in connection with each fan at all times. Mines at which less than five men are employed shall be ventilated by means approved by the Department of Mines and Minerals. Use of an inside booster fan, even temporarily, for the ventilation of any portion of an operating mine is specifically prohibited.

(2) The operator, superintendent or foreman of every coal mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least 150 cubic feet of air per minute for each person employed in the mine and at least 200 cubic feet of air per minute for each animal working in the mine, unless the mine liberates explosive gas, in which case he shall provide at least 200 cubic feet of air per minute for each person and 300 cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. The air shall be coursed so that main and intermediate haulage roads will be in intake air and circulated around the main headings, cross headings, room headings and working places to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases.

(3) As working places advance, breakthroughs for air shall be made sixty feet apart. If any breakthroughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings

shall be substantially built with noncombustible materials of a permanent nature, subject to the approval of the district mine inspector, so as to keep the working places well ventilated. Doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts, which shall be built of concrete or other suitable and noncombustible material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

(4) Where splitting the air is necessary, overcast of noncombustible material of a permanent nature shall be used, wherever possible. When it is not possible to use an overcast and trap doors must be used, double doors shall be used to form an air lock to prevent loss of circulation and to avoid short circuiting ventilation.

§ 9a. Section 352.030 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.030 (1) Not more than sixty persons may work in the same air current or split. Every mine, and all portions thereof, shall be ventilated by one or more currents of air, which shall contain not less than twenty per cent oxygen, nor more than one per cent of carbon dioxide, nor more than five one-hundredths per cent of inflammable gas, nor any harmful amount of poisonous gas or dust, when the current of air enters into each split. Such ventilation shall likewise have a volume of not less than six thousand cubic feet per minute at the last breakthrough of each entry (or each working place if required) and as much more as may be required by the department of mines, while being circulated around main headings, cross-headings and working places. In any event, the ventilation shall be sufficient to prevent methane accumulations, and to keep the methane percentage in the main return and in the split returns to not more than one-half of one per cent.

The ventilating current shall be circulated through the haulageways, travelways and airways so as to reach all portions of the mine, except sealed sections; and it shall be circulated through the entries and rooms, around the ends of

line brattice and along pillar lines. It shall be conducted to the last breakthrough, or to the working faces if required, by means of such stoppings, check doors, curtains and brattice as may be necessary or required, in order to dilute, render harmless and carry away the noxious and dangerous gases, smoke and dust liberated therein, and to supply a sufficient quantity of ventilation for all emergencies.

The foreman shall once every two weeks direct and see that the methane content of the ventilating current is determined by analyses, or by permissable methane-indicating detectors. The samples shall be taken in representative working places and in split returns (just beyond the last working place) and in the main returns from the mine, and when men are at work. A record shall be kept of the analysis of all samples; and a report of this record shall be submitted to the department through the district mine inspector. When samples are taken in moving air currents, air measurements must also be taken and submitted with the report.

When mine ventilation, formerly satisfactory and adequate, becomes deficient in quality or quantity, the department of mines shall have authority to order improvement of the ventilation.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine, and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

§ 10. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.060 (1) Every mine shall be kept in a clean orderly condition, as far as practicable, so that dangerous accumulations or unusual quantities of coal dust on the floors or sides of working places, haulageways and travelways are substantially minimized. Tipples shall likewise be reasonably free of such accumulation of coal dust. It shall be the duty of the certified officials to prevent any hazardous accumulations of coal dust, inside or outside the mine.

Fine coal dust shall be made thoroughly wet or rock-dusted before being loaded from haulageways or tipples. If machine-cuttings are of a character which would contribute to an explosion, these shall likewise be loaded out.

(2) Coal dust in suspension in visible quantities shall be allayed at its source. Inside sprinkling systems shall therefore be installed at working faces, loading heads and dumping points, on haulageways and in all other places where coal dust is in suspension or is continually being made. Sprinkling shall also be used on cutter bars of cutting machines, and where coal is in the course of being loaded by conveyor, mechanical loading or hand loading.

Coal dust in tipples and at outside dumping points shall be kept out of suspension by sprinkling or other dust-allaying devices; and coal dust from such tipples or dumps shall not be carried into mines on intake air.

(3) The following rules shall govern in the rock dusting of mines:

(a) Rockdust shall be used in all mines to render coal dust nonexplosive where it has accumulated on floor, ribs or sides, roof and timbers;

(b) Rock dust shall be utilized at working places inby the last breakthrough, along haulageways and air courses, and in abandoned places;

(c) Sufficient rock dust shall be applied in every mine to maintain at all times a minimum percentage of sixty-five per cent of incombustible matter and as much more as may be required by instruction or regulation;

(d) The maximum percentage of silica in rock dust shall not be more than one per cent;

(e) The particle size of proper rock dust shall be such that all of the dust shall pass through a sieve having twenty meshes per linear inch, and sixty per cent or more will pass through a sieve having two hundred meshes per linear inch;

(f) Ample supplies of rock dust for fire-fighting purposes shall be available at all combustible doors;

(g) At least one-half ton of rock dust shall be kept where grease or oil is stored or used in quantities inside a mine.

§ 10. Section 352.220 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.220 (1) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires, placed less than six and one-half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection. All bare power wires at mantrip stations shall be adequately guarded for the full length of the mantrip; in addition, suitable cut-out switches shall be provided at these stations to remove the power from the wire or wires while men are loading or unloading.

(2) Power wires, whether bare or insulated, shall be supported on or by well designed and installed insulators, and shall not contact combustible materials, roof, or ribs. In gaseous mines power connections in the working places shall be made in permissible junctions or distribution boxes.

(3) When power wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in subsection (1).

(4) All trolley and positive feed wires shall be placed

on opposite sides of track from refuge holes or necks of room, but wires when protected as provided for in subsection (1), may be placed across the necks of rooms. The main power circuits at the mine shall be protected against overload with circuit-breaking devices of the correct type and capacity. In no case shall these circuit-breaking devices be set so that the circuits can be overloaded. All electrical equipment shall be protected against excessive overload by fuses or equivalent protective devices of the correct type and capacity. The size of all power conductors shall be of ample current-carrying capacity for the intended load. If the track is used as a power conductor, both rails shall be well bonded at each joint and cross-bonded at least every 200 feet. Trolley wires shall be supported adequately on insulated hangers spaced not more than 30 feet apart and at least 6 inches outside the rail. Sectionalizing switches shall be installed in the underground trolley and feed lines at intervals not to exceed 1,500 feet on both the main and branch lines, and at the entrance to each branch circuit. The ends of trolley and feed wires shall be securely anchored and properly insulated, and they shall not extend beyond the last open breakthrough and shall not extend beyond a point 150 feet from the end of pillars or any open and partly caved places where there is a likelihood that gas may be liberated in dangerous quantities.

(5) All power wires in shafts, boreholes, and underground passageways shall be located in intake air and shall be adequate for the service intended, installed in a permanent manner and guarded from mechanical injury.

(6) Grounding. The metallic frames and casings of all electrical equipment that can become "alive" through failure of insulation or by contact with energized parts shall be effectively grounded. The metallic coverings and armour of cables and conduit shall be grounded and shall be electrically continuous to afford a good conducting path for the ground circuit.

§ 10b. Section 352.230 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.230 (1) In gaseous mines only permissible elec-

trical equipment shall be operated in by the the first open crosscut between entries or rooms, or in air that has ventilated one or more working places. However, if open-type nonpermissible electrical equipment is in use, all possible safety precautions shall be taken as provided in subsections (2), (3), (4) and (5). When necessary to replace or add to nonpermissible equipment, the replacement or addition shall be of the permissible type.

(2) No person shall be placed in charge of electrical equipment that is operated at or near the working face in any gaseous mine unless he is a competent person, capable of determining the safety of the roof and sides of the working places and detecting the presence of explosive gas. Machine runners shall undergo an examination to determine their fitness to detect explosive gas before they are permitted to have charge of machines in mines liberating gas, unless accompanied by a certified official, or a machine runner or helper having passed such an examination. The examination shall be given by the mine foreman and approved by the district mine inspector, blank forms therefor to be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the machine runner and the mine foreman and approved by the district mine inspector.

(3) In any gaseous mine, no electrical equipment shall be taken past the last breakthrough next to the working face or operated in the face region until the place has been examined for gas by a certified official or some other competent person authorized and appointed for that purpose by the mine foreman. If any explosive gas is found in the place the equipment shall not be taken into or operated in such place until the gas is removed.

(4) In working places where gas is likely to be encountered a permissible flame safety lamp, or other permissible apparatus approved for the detection of mathine, shall be provided for use with each machine when working, and if any indication of gas appears on the safety lamp or other apparatus used for detection of gas the person in charge shall immediately stop the equipment, cut off the current at

the nearest switch and report the matter to the mine foreman or fire boss, and the electrical equipment shall not again be started in that place until the mine foreman, the fire boss or a person duly authorized by either has examined it and pronounced it safe. All mobile electrical equipment operated at or near the face regions in gaseous mines shall be provided with a box specially designed for carrying safety lamps.

(5) No electrical equipment shall be operated in a gaseous mine for a longer period than ten minutes without an examination being made for gas in the manner described in this section, and if gas is found the current shall at once be switched off the equipment and the trailing cable shall be immediately disconnected from the power supply.

§ 11. Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.240 (1) No employee shall take into any mine a larger amount of explosives than he may reasonably expect to use in any one shift and all explosives shall be carried into the mine in an approved rigid insulated or nonconductive receptacle of a capacity not to exceed one shift's supply, and properly closed with an approved top.

(2) No shots shall be fired in any place known to liberate explosive gas until the place has been properly examined by a competent person designated for that purpose, and no shots shall be fired in any place where gas is detected until the gas has been removed by means of ventilation. After firing any shot no workman shall return to the working place until the smoke has cleared away, and before starting to work he shall make a careful examination as to the condition of the roof and do what is necessary to make the place safe before beginning to load coal, slate or refuse.

(3) Permissible explosives, or permissible blasting devices, charged and fired in a permissible manner shall be used exclusively in all coal mines, except in strip mining operations, for blasting coal and rock and no keg or black powder shall be used in any mine. Every blasting hole shall be tamped with at least 24 inches of incombustible stemming, or one-half the length of the hole shall be filled with stemming if the hole is less than 4 feet in depth.

(4) Blasting cables used for firing shots shall be well insulated, at least 100 feet in length; kept shunted at the battery end until ready to attach the blasting unit; staggered as to length or kept separated at the detonator end, to prevent short circuit; wound up after each shot or supported on timbers or rib; and kept away from track, power wires, and other possible sources of active or stray electric currents.

(5) No explosives or detonators shall be hauled on any trip operated by electric haulage motors unless they are enclosed in nonconducting boxes, containers or cars approved by the district mine inspector and the chief of the department.

(6) Trips hauling explosives shall not carry workmen other than those operating the trip, and explosives shall not be hauled into or out of the mine within five minutes preceding or following any trips in which men are handled. When traveling with the air current, the explosive trip shall precede the man trip; when traveling against the air current, the man trip shall precede.

(7) If a safer method of transporting and handling explosive or detonators is made available after proper and sufficient tests and experiments, the chief may approve the method, and that method may be use in lieu of the methods provided in this section.

§ 11a. Section 352.260 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.260 (1) In gaseous mines the operator shall employ competent persons as shot firers to prepare, charge and fire all shots.

(2) The department may require the operator to employ competent persons as shot firers in nongaseous mines to prepare, charge and fire the shots.

(3) Shot firers shall at all times be under the direction of the mine foreman.

(4) The district inspector, with the approval of the chief, shall prescribe the conditions under which solid shooting may be done in any mine.

§ 12. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.280. In all gaseous mines the operator or superintendent shall employ one or more fire bosses holding fire boss certificates.

It shall be the duty of the fire boss or bosses, where employed in such gaseous mines, to examine carefully, within three hours before the time each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings and all falls in the mine.

It shall be the duty of such fire boss or bosses to prepare a danger signal with red color at the mine entrance, and no person except the mine owner, operator or agent, and only then in case of necessity, shall pass beyond this danger signal until the mine has been examined by the fire boss and the same or certain parts thereof reported by him to be safe.

Before proceeding with the examination he shall see that the air current is traveling its proper course. In making the examination he shall use a permissible safety lamp. The fire boss shall examine for all dangers in all portions of the mine under his charge, and after examination he shall leave at the face of every place examined, by plainly marking on a board at the face for that purpose, the date of the examination, as evidence that he has performed that portion of his duty. He shall also examine the entrance to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosive gas is likely to accumulate and shall place a red danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause; and it shall be the further duty of each fire boss to do, or cause to be done, whatever may be necessary to remove from such working place or places all dangerous or noxious gases or other dangerous conditions, and make the same safe for persons to enter therein as workmen. The danger signal aforesaid shall be sufficient warning for persons not to enter.

When the mine is safe, the fire boss shall remove, or cause to be removed, the danger signal at the mine entrance, and change, or cause to be changed, the color thereof to

safety, in order that the employees may enter such mine and begin work.

In the performance of the duties devolving upon the fire bosses, they shall have no superior officers, but all the employees working inside of such mines or mines shall be subordinate to them in their particular work.

It shall be unlawful for any person to enter such mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by the fire boss or bosses on the outside of the mine or mines as to the safety thereof, as by statute provided, except under the direction of the fire boss or bosses, and then for the purpose of assisting in making the mine safe. Each person who shall enter such mine, except as aforesaid, before such notice or signal has been given, or any operator, agent or fire boss who shall violate the provisions hereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than fifty dollars nor more than two hundred dollars, in the discretion of the court.

§ 13. Section 352.290 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.290 A suitable record book shall be kept at the mine office of every mine wherein fire bosses are employed, and immediately after the examination of the mine or any portion thereof, by a fire boss, he shall enter and sign a record of examination in the book with ink or indelible pencil. The record shall clearly show the time taken in making the examination, the nature and location of any danger discovered in the mine and what has been done to correct such dangerous conditions. If any danger is discovered, the fire boss shall immediately report its location to the mine foreman, or in his absence to the assistant mine foreman in charge, who shall report to the mine foreman. When a station is located inside a mine the fire boss shall enter and sign a report both in the record book kept there and in a record book in the mine office on the surface. The record books of the fire bosses shall at all times during working hours be accessible to the district mine inspector. Each fire

boss shall furnish the district mine inspector, once each week, a copy of such records which the district mine inspector shall preserve. Failure of the fire boss to furnish such copy to the district mine inspector, as aforesaid, shall subject the fire boss to the penalties provided in sections 352.280 and 352.310 of the Kentucky Revised Statutes.

§ 14. Section 352.300 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.300 (1) The mine foreman and the fire boss shall, at or near the main entrance to the mine, provide a permanent station with a proper danger signal, designated by suitable letters and colors placed thereon and, if the working portions are one mile or more from the entrance to the mine or from the bottom of the shaft or slope, a station of suitable dimensions for the use of the fire boss may be erected by the mine foreman in a location approved by the district inspector.

(2) No person shall pass beyond the station and danger signal until the mine has been examined by a fire boss and the mine or portions of it beyond the station and danger signal reported by him to be safe.

(3) The fire boss shall not allow any other person to enter or remain in any portion of the mine through which a dangerous accumulation of gas is being passed into the ventilating current from any portion of the mine. He shall report to the mine foreman at once any violations of sections 352.280 to 352.310.

(4) No person except a fire boss shall pass or remove or cause to be removed any such danger signal before the mine has been examined and reported to be safe.

(5) No person shall pass or remove any such danger signal without permission from the fire boss.

(6) If any mine foreman has knowledge of a violation of subsection (4) or (5), he shall immediately notify the operator or superintendent, who shall notify the district mine inspector, in writing. The district mine inspector shall then immediately institute proceedings against the offender.

§ 15. Section 352.310 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.310 Any fire boss who fails to perform his duties, or who makes a false report of the condition of any place in the portion of the mine allotted to him for examination, or who violates any of the provisions of section 352.280 of the Kentucky Revised Statutes, shall be suspended by the mine foreman, and his name shall be given to the district mine inspector for prosecution. If he is found guilty of any of the foregoing, he shall return his certificate of qualifications as fire boss to the Department of Mines and Minerals and his certificate shall be nullified and cancelled.

§ 16. Section 352.320 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.320 (1) Where three or more persons are employed in a commercial mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a permissible flame safety lamp, the operator shall employ a mine foreman of the first class. If explosive gas is not present, the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons having had at least three years' experience in coal mines to act as assistants to the mine foreman, and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

§ 17. Section 352.400 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.400 (1) The operator of any mine and the mine safety committee at such mine, by joint action, may adopt special rules consistent with Chapters 351 and 352 for the government and operation of said mine and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect, they shall be submitted in writing,

jointly, by the operator and the mine safety committee for the particular mine involved, to the department of mines for written approval by the chief of the department. When so adopted and approved, the rules shall be printed on cardboard in the language spoken by seventy-five per cent or more of the employees at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employees at the mine. When the rules are so adopted, approved and posted, all employees at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(2) The mine rules shall be printed in a form prescribed by the chief of the department.

(3) Each mine operator, when requested by an employee, shall furnish him a copy of the mine rules without cost.

§ 18. Section 352.430 of the Kentucky Revised Statutes is amended to read as follows:

§ 352.430 (1) The operator or superintendent of every coal mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) The chief of mines shall, if he deems it necessary for the protection of the lives and health of the persons employed in any mine, close any mine deemed by him in an unsafe condition; in which event the provisions for a hearing before the chief of mines and for appeal hereinafter provided for, shall be applicable.

(3) If an inspector discovers that any mine does not, in respect to appliances for the safety of those employed therein, conform to the provisions of chapters 351 and 352, or that by reason of any defect or practice in or at such mine or by reason of general carelessness, the lives or health or those employed therein may be endangered, he shall immediately notify such operator or superintendent thereof in writing, stating in such notice the particulars in which he considers such mine to be defective or dangerous. If said inspector deems it necessary for the protection of the lives and health of those employed in such mine, he shall notify

forthwith the chief of the department; and if, in the opinion of the inspector, the mine is in fact in an unsafe condition, the inspector shall order the mine to be closed until it is placed in a safe and proper condition for mining operation. From any such decision or action by the inspector, an appeal may be taken by the operator to the chief of the department, but the mine shall remain closed pending such an appeal. If such appeal is taken, the chief shall forthwith summon the operator, superintendent and the inspector to discuss at the mine the unsafe practices, defects, or unhealthful or careless conditions in the mine and, if the chief determines that for the safety and health of the employees the mine should remain closed, he shall order the mine to remain closed until it is placed in a safe and proper condition for mining operations; but in the event the chief determines that a mine should not have been closed by the inspector, he shall forthwith order it to be reopened.

(4) If the chief orders the mine to remain closed until it is placed in a safe and proper condition for mining operations, the owner or operator of such mine may, by petition, apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge is of the opinion that the facts adduced are such as to warrant the chief's order, the prayer of the petition shall be denied; but if the court or judge is of a contrary opinion as to the facts, then the prayer of the petition shall be granted.

(5) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's Attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

By Mr. Lowman.

H. B. 441. An Act to provide for the construction, maintenance and operation of flood control systems by all the cities of the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Governing authority" and "Board" as used in this Act shall mean and include the Board of Councilmen, Board of Aldermen, and Board of Commissioners or other legislative body of a city. "Commission" shall mean and include any agency or group of individuals appointed by the governing authority of a city for the execution and operation of the provisions of this Act.

Section 2. For the purpose of protecting property within and beyond their limits from floods or high water, cities of all classes are authorized and empowered to establish a flood control system by constructing, enlarging, extending, equipping, maintaining and operating walls or other barriers with necessary appurtenances and equipment, either within or beyond the boundaries of the city.

For that purpose every city may acquire all necessary and convenient land rights of way and other property therefor by gift, purchase or condemnation, and cause the walls or barriers and their appurtenances and equipment to be erected, maintained and operated as herein provided. The cost thereof may be met and paid (a) by the issuance of bonds of the city as voted by the citizens thereof, or (b) by assessments made upon the property benefited by such construction for the satisfaction of bonds issued therefor, or (c) by a combination of both plans as the governing authority may determine. The city is authorized to accept upon such terms as the governing authority may deem necessary or appropriate any gift, contribution or allotment of money or property by the government of the United States or any of its agencies or by any individual or corporation.

Section 3. Before any city shall undertake the construction, acquisition or improvement of any flood control system, its governing authority shall enact appropriate ordinances

which shall (a) set forth a general or brief description of the system, its location and the plan and method of establishing and operating it; (b) designate the particular method or plan to be followed as described in Section 2 hereof; (c) state an estimate of the probable cost thereof; (d) order the construction, acquisition, extension or improvement of the same; (e) direct that bonds be issued pursuant to the plan adopted and the provisions of this Act in such amount as may be found proper, necessary or convenient in the premises to accomplish the purposes of the project.

Before the adoption of the foregoing ordinance or any amendment thereof which affects the substance, a notice shall be given in the manner provided for publication of ordinances specifying a time and place for a public hearing, the time being not less than ten days after the first publication or posting of said notice, at which time and place all parties in interest may appear before the municipal authorities and may be heard as to whether or not said ordinances shall be adopted. At such hearing all exceptions and suggestions shall be heard and the governing authority shall take such action as it deems proper in the premises; provided, however, that if after such hearing, written protest is filed by forty (40%) per cent or more of owners of real estate situated in that part of the area receiving benefits by the proposed flood control system or improvement, the governing body of the city shall not take further action, unless two-thirds of the members voting thereon assent thereto.

Section 4. The construction, acquisition, improvement, extension, equipment, operation and maintenance of any such flood control system and the collection of revenues hereinafter provided for shall be under the supervision and control of the governing authority or board, or of a commission appointed by such authority as may be determined by ordinance. Any contract for the construction of any wall or other structure or appurtenance shall be made and executed in accordance with the provision of the statutes relating to such contracts with respect to the different classes of cities.

Section 5. All necessary preliminary expenses incurred by the board or commission in the making of surveys, esti-

mates of costs, the employment of professional or technical services, the giving of notices, the taking of options, and all other expenses of whatsoever nature necessary to be paid prior to the issue, sale and delivery of the bonds herein provided for, may be paid by the city and be reimbursed and repaid out of the proceeds of the sale of the bonds to be issued for the construction, acquisition, extension or improvement of such flood control systems, as provided for in this act.

Section 6. If it becomes necessary to acquire rights of way, the land, easements or borrow-pits, or other property, and it cannot be acquired by purchase, the governing authority may condemn and obtain the needed property in the manner provided by KRS 416.010 to 416.080, or, alternatively, in the manner provided by the statutes for the condemnation of property for public purposes by the particular class of city exercising the authority of this Act.

Section 7. The cost of the flood control system for which bonds may be issued shall be deemed to include the cost of acquisition or construction thereof, the cost of all the property rights, easements and franchises deemed necessary or convenient for the improvements determined upon, interest during construction, engineering and legal expenses, expenses for plans, specifications and surveys, administrative expenses and such other expenses as may be necessary or incident to the construction or acquisition of the flood control system, and the placing of same in operation, and the performance of the things required or permitted by this Act.

Section 8. If the governing authority of the city shall provide that the entire cost or part of the cost of construction, extending and improving the flood control system shall be at the general expense of the city, it may issue and sell bonds of the city and make the appropriate levies and provisions for payment thereof as provided in KRS 66.050, 66.060, and 66.070, respectively.

Section 9. If the governing authority of the city shall provide that the entire or part of the cost of constructing, extending or improving the flood control system shall be at the expense of the property benefited thereby, then in order

to provide a fund for the payment of the cost, the governing authority of the city shall issue and sell flood control system bonds from time to time as funds are needed upon such terms and conditions as said governing authority may declare by ordinance. Provided, however, that said bonds and the interest thereon shall be payable exclusively by the levy of a tax or assessment against the property benefited thereby including easements, as the said governing authority may determine. Such bonds shall not be an indebtedness of the city but the city shall pledge and obligate itself to levy and collect sufficient and necessary taxes or assessments annually upon the property benefited for the satisfaction of said bonds as hereinafter provided. Such bonds shall have all the qualities and incidents of negotiable instruments.

Section 10. The sum necessary to be raised annually for the sinking fund and maintenance or operation fund shall be assessed against the property benefited in proportion that the assessed value of each parcel or item of property for city or county taxation shall bear to the whole assessed value as shown by the tax records of the city, if the property lies within the city, or the assessed value as shown by the tax records of the county, if the property lies outside of the corporate limits of the city. Where there is no such record, as in the case of public property or property owned by religious, charitable or educational institutions, the same (except that owned by the Federal Government) shall be specially assessed by the respective assessing officers of the city or county, for which reasonable compensation may be made out of the maintenance fund.

Section 11. The governing authority of the city shall each year so long as any of said bonds remain unpaid levy and collect a tax sufficient for the purpose of creating a sinking fund and paying interest on bonds and provide for the cost of maintaining and operating said flood control system.

Such tax shall be due, payable and collected as other city taxes. If the governing board shall fail to do so in any year the levy previously made shall automatically become the levy for the year in which none shall have been made.

A lien shall exist upon said property to the extent of said tax.

Section 12. After any tax or assessment remains delinquent for 30 days or more, the same, together with an added penalty of 10% thereof and interest at the rate of 6% per annum, may be collected and the lien enforced by a suit in equity in the name of or by the city for the use and benefit of the sinking and maintenance funds. In such an action it shall be sufficient to allege in substance that the flood control system has been inaugurated and the work done and accepted by the city without setting forth the ordinances and proceedings thereunder. Provided, however, that the court may in its discretion require that same be set up and pleaded more definitely and specifically.

Section 13. Any aggrieved owner of property shall have the right to appeal to the circuit court for a review of any action taken by the governing authority, board or commission within sixty days thereafter.

Section 14. The fiscal court of any county in which a flood control system is or may be provided, may contribute towards the costs thereof.

Section 15. The authority given by this act shall be in addition to and not in derogation of any existing power that any city now has. For all purposes of this Act cities shall have jurisdiction outside of the corporate limits except where such extended zone would overlap the boundary of another city, in which event the median line of the overlapping zones shall be the dividing line of their respective jurisdictions.

Section 16. This Act being necessary for the public health, safety and welfare, it shall be liberally construed to effectuate the purposes thereof.

The provisions of this Act shall be deemed severable as far as practical, and should any part be declared invalid or ineffectual, the remainder of the Act shall not be affected thereby but be given full force and effect.

Section 17. Whereas, there is immediate need for protection from floods and high waters, and the Federal Government has made and is making provision for financial aid to

the cities, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval.

By Mr. Jennings.

H. B. 442. An Act relating to Sunday movies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A city of the fourth, fifth or sixth class may, by a referendum as provided in this Act, submit the question of the showing of motion pictures for profit on Sunday to a vote of its electors.

§ 2. A petition for a referendum to determine whether motion pictures may be shown for profit on Sunday shall be signed by a number of legal voters of the city equal to ten percent of the total votes cast in the last regular election in the city. The petition shall be filed with the city clerk not less than thirty nor more than sixty days before the day specified for the holding of the referendum. The city legislative body shall, within ten days after the petition is filed, order the referendum to be held on the day designated in the petition, and shall make all necessary arrangements for the holding of the referendum.

§ 3. The referendum shall be advertised for at least two weeks in at least two issues of a newspaper of general circulation printed and published in the county, or, if no newspapers are printed and published there, by posting handbills in at least five conspicuous places in every precinct in which the referendum is to be held. The advertisement shall describe the time and place for the holding of the referendum, and the question to be voted upon shall be stated in full.

§ 4. (1) The question to be submitted to the voters shall be "Are you in favor of Sunday movies in this city?"

(2) The referendum shall be held, and the votes cast counted and certified, as in general elections.

(3) If a majority of the votes cast are in the negative, Sunday movies for profit shall not be permitted in that city after sixty days from the date of the referendum.

§ 5. Any city prohibiting the showing of motion pictures on Sunday for profit by a referendum as provided in this Act may, after one year from the holding of the referendum, again vote on the question.

By Mr. J. T. Howell.

H. B. 443. An Act relating to the State Fair Grounds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Fair Board shall have no authority to sell, convey or otherwise dispose of the State Fair Grounds (being the real estate situated in the City of Louisville now under the custody and control of the State Fair Board, and any real estate hereafter acquired for State Fair purposes), except pursuant to specific permission of the General Assembly given by means of an Act or Joint Resolution of the General Assembly. When any sale, conveyance or other disposition of the State Fair Grounds, or any part thereof, is proposed, the State Fair Board shall enter into a contract with the proposed purchaser or grantee, setting forth all details of the proposed sale, conveyance or other disposition, which contract shall recite that it is subject to the approval of the General Assembly. Such contract shall then be submitted to the General Assembly, in session. If the General Assembly, by Act or Joint Resolution, approves the contract, the State Fair Board may proceed to carry out the contract. Otherwise the contract shall be of no force or effect. The proceeds of the sale or other disposition of the State Fair Grounds, or any part thereof, under a contract approved pursuant to this Act, shall be placed in the State Treasury to the credit of the State Fair Board Continuing Fund, and shall be available for acquisition of other real estate and for construction of buildings and improvements.

By Mr. Stapleton.

H. B. 444. An Act authorizing fiscal courts in counties containing a city of the second class to pay to the stenographer to the county judge a salary not in excess of $2400.00 per year.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 25.310 of the Kentucky Revised Statutes is amended to read as follows:

The stenographer shall continue to receive the salary now fixed by law and paid out of the county levy; provided, however, that such salary may be increased or decreased to the amount fixed by the county judge by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court. In counties other than those containing a city of the first class the salary shall not exceed $1500.00 per annum, except that in counties containing cities of the second class the salary paid to the stenographer to the county judge shall not exceed the sum of $2400.00 per annum.

By Mr. Losey.

H. B. 445. An Act relating to the commitment of persons to the United States Public Health Service or other agency of the United States Government, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever in a proceeding for the trial and commitment of any person who appears to be of unsound mind it is determined that such person is either feebleminded, an epileptic, insane person, drug addict, including alcoholic and ought to be committed for safekeeping or treatment and it appears that such person is eligible for care or

treatment by the United States Public Health Service or other agency of the United States Government, the court of the county in which such person is found, having jurisdiction in such matters, upon receipt of a certificate from the United States Public Health Service or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to the United States Public Health Service or other agency of the United States Government for care or treatment. Thereafter such person, upon admission to any such facility, shall be subject to the rules and regulations of the United States Public Health Service or other agency of the United States Government. The Chief officer of any such facility or institution to which such person is committed under the provisions of this Act, shall be vested with the same powers as are exercised by superintendents of state hospitals for mental diseases within this state with respect to the retention, transfer, parole, or discharge of the person so committed. Notice of such pending commitment proceedings shall be furnished the person whose commitment is sought and his right to appear and defend shall not be denied. The Judgment or order of commitment by a court of competent jurisdiction of another state or the District of Columbia commiting a person to the United States Public Health Service or other agency of the United States Governmnet, for care or treatment, shall have the same force and effect as to such person while in this state as in the state in which is situated the court entering such judgment or making such order.

Section 2. Upon receipt of a certificate of the United States Public Health Service or such other agency of the United States Government that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution in this state for the care of persons similarly afflicted and that such person is eligible for such care or treatment, the Director of the Division of Hospitals and Mental Hygiene, upon recommendation by the superintendent of any such hospital or institution in this state, is hereby authorized to cause the transfer of any such person to the United States Public

Health Service or other agency of the United States Government for care or treatment. Upon effecting any such transfer, the committing court shall be notified thereof by the Director of the Division of Hospitals and Mental Hygiene.

Section 3. Any person transferred as provided in this section shall be deemed to be committed to the United States Public Health Service or other agency of the United States Government pursuant to the original commitment the same as if he had been originally so committed.

By Messrs. Fred Morgan and Joe T. Morgan.

H. B. 446. An Act enabling the Kentucky Unemployment Compensation to acquire a site, erect a building to house that agency, and to issue bonds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That the Kentucky Unemployment Compensation Commission be and is hereby authorized and empowered to acquire, by purchase or otherwise, a site, and to erect an office building thereon.

(2) The Commission is authorized and empowered to apply all of the funds accumulated under the provisions of KRS 341.290 as of June 30, 1946, to the purchase price of such site and the construction of such office building.

(3) For the purpose of defraying the balance of the cost of constructing the office building the commission may borrow money and issue negotiable bonds. Such bonds shall be authorized by resolution of the commission.

All bonds under the provision of this section may be issued bearing interest at a rate not exceeding 6 per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times not exceeding 40 years from the date thereof, and at such place or places as the commission shall determine.

All such bonds shall be negotiable instruments and shall not be subject to taxation. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be

such officers before delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold at public sale to the highest and best bidder after such sale has been advertised by publication in a newspaper of general circulation in the state of Kentucky not less than ten days prior to the date of such sale. Such bonds when issued shall be payable from the revenue as provided hereinafter and shall not constitute an indebtedness of the commission nor the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations. It shall be plainly stated on the face of such bond that same have been issued under the provisions of this section and that it does not constitute an indebtedness of the commission or the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations.

All money received from any bonds issued pursuant hereto shall be applied solely to the erection of the building and necessary appurtenances thereto, provided that such money may also be used to advance the payment of interest on bonds during the first year following the date of such bonds. There shall be and there is hereby created a statutory mortgage lien upon the building and appurtenances to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons attached to said bonds. The buildings so acquired and the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of any of the coupons may, either, at law or in equity, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus or other proceedings, enforce and compel performance of all duties required by this section, including the making and collecting of sufficient rents, the segregation of the income and revenue, and the application thereof. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said building on behalf of the commission, with power to charge and collect

rentals sufficient to provide for the payment of any bonds or obligations outstanding against said building and for the payment of the operating expenses and apply the income and revenues in conformity with this section, and the resolutions referred to herein.

All funds which accumulate under KRS 341.290 from and after July 1, 1946, are hereby set aside and pledged as a separate and special fund to be used and applied in the payment of the interest on the principal of the bonds provided for hereinabove. In addition thereto, at or before the issuance of such bonds, the commission shall by resolution set aside and pledge in the separate and special fund referred to hereinabove all monies received from any agencies of the Federal Government which are specified by such agency to be used as rent by the commission. Said resolution shall also pledge that the commission will properly maintain and operate said building and carry sufficient insurance thereon to secure the payment of said bonds in the event said building should be damaged or destroyed.

In the event any surplus shall be accumulated in said special fund in excess of the amount of interest and principal payments coming due in the next calendar year, any such surplus shall be used to pay off and retire outstanding bonds.

The commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this section. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

Should the commission find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein prescribed and required.

The commission may provide by resolution any such provisions and stipulations for the administration of the building and the income, and for the security of the bond holders as the commission may deem necessary.

The commission may employ architects and engineers to

prepare plans and specifications for and supervise the construction of said building.

Any such resolution or resolutions shall constitute a contract between the commission and the holder of any bond or bonds, coupon or coupons, and shall be binding in all respects upon the commission or its successors.

By Mr. McClure.

H. B. 447. An Act relating to the licensing of motor vehicles owned by governmental units, amending section 186.060, subsection (1), Kentucky Revised Statutes (section 2739g-7, Carroll's Kentucky Statutes, Baldwin's 1936 Rev.)

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 186.060, subsection (1), of the Kentucky Revised Statutes, (section 2739g-7, Carroll's Kentucky Statutes, Baldwin's 1936 Revision), is amended to read as follows:

(1) Applications for registration of motor vehicles owned exclusively by county, city or board of education in the state or by the State or Federal government shall be accompanied by a statement from the head of the department of the governmental unit that owns the motor vehicle, certifying that the motor vehicle is exclusively owned and operated by the governmental unit. The application and statement shall be forwarded by the county clerk to the department, which shall give special authority to the clerk to register it. Upon receiving that authority the clerk shall issue a registration receipt and number plate and report the registration to the head of the department authorizing the registration. For his services in issuing such certificate of registration and number plate and reporting the same the county clerk shall be entitled to a fee of fifty cents ($.50) in each instance, to be paid by the department upon whose authorization such license was issued.

By Mr. Hammonds.

H. B. 448. An Act relating to burial associations, to be known as the "Miners', Farmers' and Labor Burial Bill."

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to engage in the business of a burial association or to make contracts in advance of death to bury or to pay the funeral expenses of any person or to make contracts in advance of death to pay any person a sum of money in lieu of funeral expenses except under the conditions set out in this Act.

§ 2. Any person (other than a corporation) desiring to engage in the business described in Section 1 shall apply to the Director of the Division of Insurance for a permit or license, and file with the director a copy or statement in writing of the plan on which he proposes to operate such business, the forms of all such contracts as he proposes to make and enter into, the residence and postoffice address of such person, the rates to be charged, which rates shall in all cases be subject to the approval of the Director of the Division of Insurance (except in cases where burial associations operate under a mutual benefit plan), and the names of all persons interested in such business other than members with whom contracts are made to pay burial expenses, and shall secure from the director annually a license to engage in said business before engaging therein. Any corporation desiring to engage in the business above set out shall comply with all of the conditions of this section and, furthermore, be incorporated or admitted to do business as hereinafter provided

§ 3. (1) Corporations may be formed and organized to engage in the business mentioned in Section 1 of this Act with a capital stock of not less than $5,000.00. The proposed incorporators, a majority of whom must be residents of the state, and not less than three, shall subscribe articles of incorporation in which shall be stated:

(a) The proposed corporate name of the company, which shall not so closely resemble the name of any corporation already transacting business in this state as to mislead the public or lead to confusion;

(b) The purpose for which it was formed and the business plan or principle of the operation of its business;

(c) The names, residences and official titles of all the officers who are to have and exercise the general control and managment of the affairs and the funds of the corporation;

(d) The domicile of the proposed corporation.

(e) The amount of capital stock.

(2) The charter or articles of incorporation shall be approved by the Director of the Division of Insurance and a certificate of approval shall be executed by the director, and the charter as thus approved shall be recorded in the office of the director and shall also be recorded in the office of the Secretary of State.

§ 4. Any foreign corporation organized to engage in the business mentioned in Section 1 of this Act may be admitted to do business in this state on the following conditions:

(1) It shall deposit with the Director of the Division of Insurance a certified copy of its charter and a statement of its financial condition and business in such form and detail as he may require, signed and sworn to by its president and secretary or other proper officer, and shall pay for the filing of such statement the sum of $20.00.

(2) It shall satisfy the director that it is fully and legally organized under the laws of its state or government to do the business it proposes to transact; that it has a fully paid-up and unimpaired capital of not less than $5,000.00.

(3) It shall be duly executed instrument filed in his office, constitute and appoint the Director of the Division of Insurance and his successor its true and lawful attorney, upon whom all process in any action or legal proceeding against it may be served, and therein shall agree that any process against it which may be served upon said attorney shall be of the same force and validity as if served on the company, and the authority thereof shall continue in force

irrevocable so long as any liability of the company remains outstanding in the state. The service of such process shall be made by leaving a copy of the same in the hands or office of the director. Copies of such instrument certified by the director shall be deemed sufficient evidence thereof, and service upon such attorney shall be deemed sufficient service upon the principal.

(4) It shall appoint as its agent or agents in the state some resident or residents thereof other than the Director of the Division of Insurance, such appointment to be made in writing, signed by the president and secretary or manager or general agent, and filed in the office of the director, authorizing the agent to acknowledge service of process for and on behalf of the company, and consenting that service of process on the agent shall be as valid as if served upon the company, according to the laws of this state, and waiving all claim of error by reason of such service.

(5) It shall obtain from the director a certificate that it has complied with the laws of the state and is authorized to make contracts authorized in this Act.

§ 5. Any domestic or foreign corporation engaging in the business mentioned in Section 1 of this Act shall also file with the Director of the Division of Insurance sample forms of all such contracts as it proposes to make and enter into, the rates to be charged, and shall secure from the director annually a license to engage in said business before engaging therein, in like manner as if such corporation were an individual as set forth in Section 2 of this Act.

§ 6. (1) Before engaging in the business mentioned in Section 1 of this Act, any person, including domestic and foreign corporations, shall deposit with the State Treasurer such securities as may be approved by the Director of the Division of Insurance, consisting of bonds of the United States, of the State of Kentucky, or of any county or municipality in this State. The securities so deposited shall be not less than par value of Five Hundred Dollars ($500.00) for each One Hundred Twenty-Five Thousand Dollars ($125,000.00) or fraction thereof of face value and in force certificates, but the minimum of said securities shall be One

Thousand Dollars ($1,000.00) par value and the maximum amount of said securities shall not exceed Ten Thousand Dollars ($10,000.00). Provided that a surety bond made by some company authorized to do business in Kentucky for an amount equal to twice the amount of securities required above may be filed with the State Treasurer after approval by the director in lieu of the other securities above referred to.

(2) No individual benefit shall exceed the sum of One Hundred Fifty Dollars ($150.00) unless said benefit in excess of One Hundred Fifty Dollars ($150.00) is written on a schedule of rate approved by the Director of the Division of Insurance, and unless said contract specifically stipulates that any one insured thereunder may receive in cash at his or her option the face value thereof, and with the further provision that any and all burial certificates in excess of One Hundred Fifty Dollars ($150.00) shall come under and be subject to all the qualifications and all provisions of law governing life insurance contracts and policies in the State of Kentucky. The provisions of this section shall not apply to funeral benefit certificates already in force in excess of One Hundred Fifty Dollars ($150.00). No person shall write or issue a paid-up certificate

§ 7. All persons subject to this Act shall, annually before the fifteenth day of February of each year and in accordance with the requirements of a form prepared and furnished by the Director of the Division of Insurance for that purpose in such detail as the director shall prescribe, file with the director a sworn statement of its business during the year previous, ending with December 31st, showing the number of contracts in force, the number of contracts matured and unpaid, and the amount of liability in force on said contracts at the end of the year, and the business standing and the financial condition of said persons, and such other information as may be required by the director.

§ 8. (1) When the foregoing provisions of this Act have been complied with by any person, the Director of the Division of Insurance shall issue a license to such person,

upon the payment to him of a privilege tax to engage in such business; according to the following schedule, to-wit:

(a) Any person beginning business or having not exceeding five hundred contracts $50.00

(b) Where contracts exceed five hundred but do not exceed one thousand $100.00

(c) Where contracts exceed one thousand but do not exceed fifteen hundred $150.00

(d) Where contracts exceed fifteen hundred but do not exceed two thousand $200.00

(e) Where contracts exceed two thousand $250.00

(2) The payment of such license shall exempt such person from any other privilege tax on account of said business.

§ 9. Every agent of any corporation organized or admitted to do business under this Act shall be required to obtain annually from the Director of the Division of Insurance a certificate under the seal of his office showing that the company for which he is agent is licensed to do business in this state, and that he is an agent of said company and duly authorized to do business for it. Every such agent on demand shall exhibit said certificate to the person from whom he shall solicit contracts and every such agent shall annually pay a privilege tax of $5.00. The director may issue a duplicate certificate in case of loss or destruction of the original certificate and charge therefor a fee of fifty cents, and the director shall have the right to pass upon the qualification of any such agent before issuing to him a license, and for good cause shall have the right to cancel such license.

§ 10. The failure of any person to promptly pay or fulfill any contract in force at the time of maturity, when legally determined that the contract was in force, shall be grounds for the cancellation by the director of its license to do business in this state.

§ 11. (1) The Director of the Division of Insurance shall have full authority to examine the books, records, papers, and all other data belonging to or bearing on the business of any person subject to this Act, and may designate any practical accountant to make said examination at a reasonable

per diem and expenses not to exceed the sum of One Hundred Dollars ($100.00) for any one year, to be paid by such person. If upon examination the director is of the opinion that the capital stock of a domestic corporation has become impaired, or that any foreign company admitted to do business hereunder is insolvent, the director may thereupon for said reason cancel its license to do business in this State.

(2) Any person that refuses to permit the director or any practical accountant designated by him to examine the books, records, papers, and all other data belonging to or bearing on the business of such person shall have its license cancelled and revoked by the director.

(3) The director shall have full power in the regulation of any person subject to this Act.

§ 12. The annual licenses granted under this Act shall be dated as of the first day of March and be good for one year from date. Any person beginning business after the first day of March in any year shall pay a proportionate part of the privilege tax provided for in Section 8.

§ 13. Any person engaging in the business described in Section 1 of this Act without first having complied with the provisions of this Act, or any person who shall knowingly make any false statement in the reports required by this Act, shall be fined not less than $250.00 nor more than $500.00, and in addition thereto shall forfeit the license to do business in this state.

§ 14. Should the Director of the Division of Insurance find that any person engaged in the business covered by this Act has refused to pay any just claim or demand based on a burial contract, or is unable to pay same after said claim or demand has been legally determined to be just and outstanding, the director shall notify the Attorney General, and the Attorney General shall apply to a circuit court for a receivership to wind up the business of such person, and shall represent the interest of all claimants under such contracts, and shall have a right of action for the use and benefit of said claimants against the bond or security required by this Act for the full amount of all such claims together with all necessary costs of such receivership.

§ 15. This Act shall not apply to any labor union or labor union organization, whether organized in this state or not, making contracts with its members to pay money or provide funeral expenses in the event of the death of any member or any member's family; nor shall it apply to any duly organized fraternal order, making contracts with its bona fide members to pay money or provide funeral expenses in the event of the death of any such bona fide members, provided such fraternal organization does make such contracts for profit; nor shall it apply to any duly organized church or church association, or society making such contracts with its bona fide members only, and not making such contracts for profit.

§ 16. Sections 303.090 ot 303.150, inclusive, and Section 303.990, of the Kentucky Revised Statutes of 1944, are hereby repealed.

§ 17. This Act shall not impair the validity of any contract for burial benefits issued under authority of and in accordance with the provisions of the statutes of Kentucky prior to the effective date of this Act, but the burial association by which the same was issued shall hereafter comply with and be subject to all of the provisions of this Act.

By Mr. Demumbrun.

H. Res. 95. A Joint Resolution relating to the establishment of boundary lines between the counties of Barren, Hart and Edmonson.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the report of the Commission created by a Joint Resolution approved March 20, 1944, being Chapter 179 of the Acts of the General Assembly of the Commonwealth of Kentucky passed at its regular session in 1944, be and the same is hereby approved; and that the survey which said commission caused to be made, together with the monuments erected by the commission to mark said survey and the map

of said survey filed by the Commission with its report to the General Assembly, be and the same are hereby approved as determining and designating the true and correct location and course of the boundary lines between the counties of Barren, Hart and Edmonson.

Said survey as exemplified by the report of the Commission and the map filed therewith is as follows:

"Beginning at Monument No. 1 at the intersection of the Warren and Barren County line with the line of Edmonson County; thence, South 76 degrees and 10 minutes East to Monument No. 2 near Apple Grove, which is North 6 degrees and 52.6 minutes East, 55,566.2 feet from the mouth of Skegg's Creek on Barren River and is south 76 degrees and 10 minutes East, 35,504.5 feet from the John White residence, now owned by Jesse and Joseph Mitchell; thence North 6 degrees and 52.6 minutes East, 58,811.3 feet to Monument No. 7 at the Southwest corner of the John Flatt Patent on the South bank of Green River, passing Monument No. 3 on Highway 31W, passing Monument No. 4 on Highway 70, passing Monument No. 5 at the intersection of the Barren and Hart County line with the Edmonson County line, and passing Monument No. 6 on the Mammoth Cave-Northtown Road; thence North 36 degrees and 29.7 seconds, West 53,764.8 feet to Monument No. 10 at the mouth of Dog Creek on Nolin River, passing Monument No. 8 at the Sanders Store-Cox's Store Road, and passing Monument No. 9 on the road leading to Dog Creek Post Office. (Approximate mean declination, three degrees and 45 minutes East.)

Sec. 2. That said map, or a duly authenticated copy thereof, shall be competent evidence in all courts of law and of equity within the Commonwealth of Kentucky, designating the true and correct boundary lines between the counties of Barren, Hart and Edmonson.

By Mr. McPherron.

H. B. 449. An Act relating to devices operated by coins or tokens.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions:

(1) "Coin Machine" shall mean and include any coin or token-operated machine or device, designed or intended to be operated by the use of coins or tokens and the results of the operation of which vary according to the movements of the internal mechanism over which the operator has no control, including all devices commonly known as "slot machines", but not including mechanical musical devices.

(2) "Department" shall mean the Department of Revenue.

(3) "Commissioner" shall mean the Commissioner of Revenue.

§ 2. The administration of this Act is hereby vested in the Department of Revenue to be exercised through, by and with the facilities of the Department available and hereinafter authorized.

§ 3. The Department may adopt such rules and regulations as are necessary for the administration of this Act.

§ 4. (1) It shall be unlawful for any person to keep, possess, use or exhibit for any gain or operate or permit to be operated or allow to be kept, used, possessed, or operated for gain, or for any purpose, except as hereinafter provided, a coin machine unless a license has first been procured and evidence of payment therefor attached thereto as set forth under the provisions of this Act.

(2) It shall be unlawful for any owner or lessee of any premises, building, or appurtenance thereto, boat, ship, airplane, vehicle, structure, automobile, or any other property or part thereof, to permit the exhibition, possession or use of any said coin machines unless evidence that the license tax imposed in this Act has been paid is affixed thereto. It shall be unlawful to keep, use, possess, or operate for gain any coin machine unless a license shall have been granted and the license tax paid therefor.

§ 5. (1) All licenses issued under this Act shall be obtained and the tax paid as required by this Act on or before January first of each year and all licenses granted shall expire on December thirty-first of each year and shall be renewed for a like period upon payment of the fee and upon compliance with the terms and conditions herein set forth, provided, that any person paying the tax between January first and June thirtieth of each year shall pay a sum equal to the annual license fee and any person paying the tax between July first and December thirty-first shall pay a sum equal to one-half of the annual license fee.

(2) Any person required by the provisions of this Act to pay a license tax who shall fail to pay said tax at the time required herein, shall pay as a part of the tax imposed herein a sum equal to twenty percent (20%) of the amount of tax due and delinquent and in addition thereto interest at the rate of one-half of one per cent (½ of 1%) per month.

§ 6. (1) No license shall be issued hereunder until the applicant has paid a state tax of $100.00 upon each and every machine owned or proposed to be operated by him.

(2) Payment of the tax herein imposed shall be evidenced by affixing stamps or seals in such manner as the Department may by regulation prescribe and if any person desires stamps or seals for additional coin machines after obtaining his license, he shall make his application therefor in such manner as the Department may by regulation prescribe.

§ 7. No license shall be transferable except under rules and regulations duly adopted by the Department.

§ 8. (1) Applications for any licenses provided for in this Act shall be made to the Department of Revenue at its offices in Frankfort, Kentucky; shall be in writing on forms furnished by the Department for that purpose, and verified. The application shall in addition to any other information which the Department may deem necessary for the effective administration of the tax laws of the Commonwealth, contain the following:

(a) The residence and the principal business address

within and without Kentucky of the owner or lessee of each and every coin machine sought to be licensed.

(b) The number of machines owned or proposed to be operated by the applicant, according to the classification referred to in Section 8 of this Act.

(c) A certified or cashier's check for the amount of the tax due.

(2) At the time of making and filing such application the applicant shall present for inspection, should the Department so require, a sample of such coin machine. A person receiving a license hereunder shall at any time upon request of the Department furnish a complete list of the number and type of all coin machines owned, possessed, leased, or operated by him together with the locations thereof.

§ 9. (1) Licenses for the operation and use of coin vending machines shall be issued and delivered only to a person possessing a good moral character, who has never been convicted of a felony and not pardoned, and whose license has never been finally revoked.

(2) The decision and findings of the Department upon any and all matters of discretion and upon all questions of issuance and revocation of licenses shall be final and conclusive, except an appeal may be taken to the Franklin Circuit Court within fifteen days from the action of the Department in refusing to grant a license or in revoking a license or in an order of confiscation of property by filing with the Clerk of the Franklin Circuit Court a petition of appeal, setting out in said petition the errors relied upon, and said petition shall be accompanied by an attested copy of the order of the Department refusing to grant or revoking a license, or the confiscating of property. Said appeal shall be tried denovo by the Court.

§ 10. The Department and its agent shall have authority without any order of any court to seize and confiscate any coin machine which does not bear evidence of payment of the license tax imposed by this Act or for which no license has been obtained or for which the license has been revoked as provided in this Act. When any coin machine is confiscated or seized by the Department or its agents or any other law

enforcement officer of this Commonwealth, title to the same shall vest immediately in the Department, subject to appeal as hereinabove provided. If the coin machine which is seized or confiscated be a machine which can be licensed under this Act, it shall be sold under rules and regulations to be adopted by the Department and the receipts from such sale shall be deposited as other receipts from this Act are deposited. If the coin machine cannot be legally licensed under this Act, the same shall be destroyed by the Department after the expiration of the time for appeal.

§ 11. Nothing in this Act shall apply to coin machines when such machines are kept in the regular place of business of the manufacturer or wholesaler for sale only. Nothing herein shall be construed to authorize or legalize such manufacturer, wholesaler, or any other person to operate for gain such coin machines without a license.

§ 12. (1) Whoever violates any of the provisions of this Act shall, upon conviction thereof, be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and upon final conviction all licenses held by the licensee so convicted shall be automatically cancelled.

(2) Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the Department, or a counterfeit thereof shall, upon conviction thereof be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and each separate fictitious counterfeit seal so attached or used on a coin or token operated device shall constitute a separate and distinct offense.

§ 13. The revenue received from the taxes imposed by this Act shall be placed to the credit of the Division of Public Assistance in the Department of Welfare, and shall be deemed to have been appropriated for the administration of old age assistance, aid to dependent children, and aid to the needy blind, under KRS Chs. 200, 205, and 207. The amount so credited shall be in addition and supplemental to any other appropriation to the Division of Public Assistance for such purposes.

Ordered that said bills and resolutions be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 109. An Act relating to State tuberculosis sanatoria.

Mr. Steinford moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 56. An Act relating to applicants for pharmacists' licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 315.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every applicant for registration as a pharmacist shall not be less than 21 years of age, a citizen of the United States, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the Kentucky Board of Pharmacy, and shall file proof satisfactory to the Kentucky Board of Pharmacy, substantiated by proper affidavits of a minimum of one year of experience in a retail pharmacy, under the supervision of a registered pharmacist, which experience shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations and keeping records

and making reports required by the State and Federal Statutes.

(2) After such applicant has passed a satisfactory examination in written, oral and practical work, conducted before the Board under regulations prescribed by the Board, he shall be entitled to a license as a pharmacist.

Mr. J. Lee Moore moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	Ira W. Hulette
Roy W. Arnold	S. J. Daugherty	W. H. Hunt
Henry Arrowood	L. A. Demumbrun	Kerby Jennings
F. O. Baker	E. R. Denny	Paul Jonas
Harold L. Barnes	G. I. Drury	L. H. Jones
F. H. Bassett, Jr.	Forest C. Easley	B. F. Kincaid
Ott Begley	Bernie S. Edlin	G. O. Kirkpatrick
W. G. Biggers	Eck Embry	Edgar Kitchen
Jack Bingham	Tom Gilliam	Homer E. Losey
B. J. Bonn	M. B. Gilligan	A. L. Love
J. C. Bradley	Otto W. Goff	H. K. Lowman
B. K. Brantley	R. M. Hall	E. J. Lucas
John Y. Brown	C. L. Hammonds	F. G. Marquette
Mrs. Mary Burnett	Harold G. Helm	E. H. Martin
Chas. W. Burnley	E. R. Hilton	W. E. McClure
Alex. H. Calvert	J. J. Huff	Jack McPherron

Harry L. Moore	Amos Runyan	Ray G. Tipton
J. L. Moore	J. W. Simmons	E. N. Todd
J. Lee Moore	Luther Slusher	S. J. Wagner
Fred Morgan	Forrest Smith	Harry F. Walters
Joe T. Morgan	E. A. Spencer	Lyle H. Webb
Louis T. Peniston	Paul J. Stapleton	W. W. Webster
L. W. Preston	L. S. Stephens	Lawrence Wells
E. F. Prichard	Ralph G. Stone	Rodney Whitlow
Wade H. Riley	C. W. Taylor	John Wilborn

—75

There voted in the negative—

E. C. Mullins —1

Resolved that the title thereof be as aforesaid.

Mr. J. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles.

H. B. 243. An Act to amend Sec. 95.010 KRS and subsec. thereunder relating to fire Department officials under civil service.

H. B. 114. An Act to change the term of circuit court in the 12th district.

H. B. 87. An Act to repeal, and revise KRS relating to subsequent injuries, to determine proper apportionments of liabilities.

H. B. 20. An Act relating to police departments of cities of the second class.

Thereupon all other business was suspended, said bills

were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 123. An Act relating to Workmen's Compensation.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death results within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $250, and shall also pay to or for the following persons of $250, and shall also pay to or for the following persons compensations as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $100, payments to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons, 65 percent of the average weekly earnings of the deceased employe, but not to exceed $15 nor less than $5 per week shall be payable, all such payments to be made for the period between the date of death and 500 weeks after the date of acci-

dent to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $7,500.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency, all such payments to be made for the period between the date of death and 500 weeks after the date of the accident to the employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $7,500.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

2. Subsection (1) of Section 342.095 of the Kentucky Revised Statutes is amended to read as follows.

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employe a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed $25 nor less than $5 per week, such payments to be made during the period of total disability.

3. Section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability.

4. Section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries enumerated in the following schedule the employe shall receive in lieu of all other compensation, except such as may be payable under KRS 342.020 and 342.030, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $5 per week nor exceeding $15 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 75 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 50 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 10 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 30 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 20 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phal-

ange of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries), which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 300 weeks.

(13) For the loss of an arm, 65 percent of the average weekly wages during 400 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 20 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 40 weeks.

(16) The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 300 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 325 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 200 weeks.

5. Section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigure-

ment, the occupation of the injured employe and age at the time of injury. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employe but not less than $5 nor more than $15, multiplied by the percentage of disability caused by the injury, for such period as the board determines.

6. Section 342.111 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within 6 months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require, a written, verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post-office address and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against whom such award was made; and shall fix a time and place for a hearing of which notice shall be given to determine the dependability of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependent shall not exceed the sum of fifteen dollars a week.

Said substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 342.020, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when reenacted, shall read as follows:

In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, but not exceeding a total expense to the employer of more than four hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an emergency, the employe may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

Section 2. That section 342.070, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his injurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $150, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $100, payment to be made to the personal representative of the deceased employe.

(2) If there are one or more wholly dependent persons 65 per cent of the average weekly earnings of the deceased employe, but not to exceed $15.00 nor less than $5 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employe, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $6,000.00.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employe is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed the aggregate of compensation on account of such death the maximum sum of $6,000.00.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employe.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 3. That Section 342.095, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven

days thereof, shall pay the employe a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed $18 nor less than $5 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury, nor in any case to exceed a maximum sum of $9000.00. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $9000.00.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(f) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 4. That section 342.100, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

In case of an injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 420 weeks from the date of injury, nor exceeding the sum of $15 per week nor the maximum sum of $5000.00. If partial dis-

ability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability and the benefits paid on account of total disability from the maximum allowed for partial disability.

Section 5. That Section 342.105, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

For injuries enumerated in the following schedule the employe shall receive in lieu of all other compensation, except such as may be payable under KRS 342.020 and 442.030, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $5 per week nor exceeding $15 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received

for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries), which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm, 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 per cent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks.

Section 6. That Section 342.110, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same when re-enacted shall read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the

time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employe but not less than $5 nor more than $12, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 420 weeks nor a maximum sum of $5000. Whenever the weekly payments under this section would be less than $3 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this section.

Section 7. That Section 342.140, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) Compensation shall be computed at the average weekly wage earned by the employee at the time of injury reckoning wages as earned while working at full time. "At full time" as used herein means a full working day for five (5) days in every week of the year regardless of whether the injured employee actually worked all or part of the time. If the employee shall not have been employed a sufficient length of time to establish an average weekly wage then compensation shall be based upon the average weekly wage as herein defined of these employees of the same employer in the same or most similar type of employment.

(2) If the employe, at the time of the injury, is regularly employed in a higher grade of work or occupation than formerly during the year, and with larger regular wages, only such higher grade of work or occupation, if it is not seasonal, shall be taken into consideration in computing his average weekly wages.

Section 8. That Section 342.315, sub-section (1), Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

"(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employe and to testify in respect thereto. Upon the application of either party, such appointment shall be made in any case where the amount of compensation claimed, or reasonably to be anticipated, exceeds the sum of $200.00. The physician or surgeon shall be allowed a reasonable fee to be fixed by the Board, not exceeding fifteen dollars for each examination and report, except that the board may allow additional reasonable amounts in extraordinary cases. The Board may allow traveling expenses to the employe or to the physician or surgeon. The traveling expenses and fees allowed under this subsection shall be paid out of the maintenance fund."

Section 9. That section 342.111, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within six months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require, a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post-office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against whom such award was made; and shall fix a time and place for a hearing of which notice shall be given to determine the dependability of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly pay-

ments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum of fifteen dollars a week.

Said Substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	S. J. Daugherty	Clyde S. Howard
Roy W. Arnold	L. A. Demumbrun	Maurice Howard
Henry Arrowood	E. R. Denny	Jerry F. Howell
F. O. Baker	Adron Doran	J. J. Huff
Harold L. Barnes	G. I. Drury	Ira W. Hulette
F. H. Bassett, Jr.	Forest C. Easley	W. H. Hunt
Ott Begley	Bernie S. Edlin	Kerby Jennings
W. G. Biggers	Eck Embry	Paul Jonas
Jack Bingham	A. H. Eversole	B. F. Kincaid
B. J. Bonn	Tom Gilliam	G. O. Kirkpatrick
J. C. Bradley	M. B. Gilligan	Edgar Kitchen
John Y. Brown	Otto W. Goff	Homer E. Losey
Mrs. Mary Burnett	R. M. Hall	A. L. Love
Chas. W. Burnley	C. L. Hammonds	H. K. Lowman
Alex. H. Calvert	Harold G. Helm	Ed Marcum
Fred Creasey	E. R. Hilton	F. G. Marquette

E. H. Martin	Joe E. Nunn	L. S. Stephens
W. E. McClure	Louis T. Peniston	C. W. Taylor
Jack McPherron	L. W. Preston	Ray G. Tipton
Harry L. Moore	Hobart Rayburn	E. N. Todd
J. L. Moore	Kelse H. Risner	Walter L. Trivette
J. Lee Moore	Amos Runyan	Harry F. Walters
Fred Morgan	J. W. Simmons	Lyle H. Webb
Joe T. Morgan	Luther Slusher	W. W. Webster
E. C. Mullins	Forrest Smith	Rodney Whitlow
Rodes K. Myers	E. A. Spencer	John Wilborn
J. C. Newcomb	Paul J. Stapleton	
Thos. A. Noe	Geo. W. Steinford	—82

Resolved that the title thereof be as amended.

Mr. Morgan moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 206. An Act relating to charges to grand juries.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.230 of the Kentucky Revised Statutes is amended to read as follows:

The judge of each circuit court shall charge each grand jury impaneled in his court with reference to their duties in regard to law enforcement.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jerry F. Howell	Louis T. Peniston
F. O. Baker	Ira W. Hulette	Sylvester Phillips
Harold L. Barnes	W. H. Hunt	L. W. Preston
F. H. Bassett, Jr.	Kerby Jennings	E. F. Prichard
W. G. Biggers	Paul Jonas	Hobart Rayburn
Jack Bingham	L. H. Jones	Kelse H. Risner
B. J. Bonn	B. F. Kincaid	Amos Runyan
J. C. Bradley	G. O. Kirkpatrick	J. W. Simmons
B. K. Brantley	Edgar Kitchen	Luther Slusher
John Y. Brown	Homer E. Losey	Forrest Smith
Mrs. Mary Burnett	A. L. Love	E. A. Spencer
Chas. W. Burnley	H. K. Lowman	Paul J. Stapleton
Alex. H. Calvert	E. J. Lucas	Geo. W. Steinford
W. K. Coleman	Ed Marcum	L. S. Stephens
S. J. Daugherty	F. G. Marquette	Ralph G. Stone
L. A. Demumbrun	E. H. Martin	C. W. Taylor
G. I. Drury	W. E. McClure	Ray G. Tipton
Forest C. Easley	Jack McPherron	E. N. Todd
Bernie S. Edlin	J. L. Moore	Walter L. Trivette
A. H. Eversole	J. Lee Moore	S. J. Wagner
Tom Gilliam	Fred Morgan	Harry F. Walters
M. B. Gilligan	Joe T. Morgan	Lyle H. Webb
Otto W. Goff	E. C. Mullins	W. W. Webster
R. M. Hall	Rodes K. Myers	Lawrence Wells
C. L. Hammonds	J. C. Newcomb	Rodney Whitlow
E. R. Hilton	Thos. A. Noe	John Wilborn
Clyde S. Howard	Joe E. Nunn	—80

Those who voted in the negative were—

Roy W. Arnold	Ott Begley	—2

Resolved that the title thereof be as aforesaid.

Mr. Peniston moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 172. An Act to provide for a Division of Soil and Water Resources in the Department of Conservation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Division of Soil and Water Resources—Organization—Functions.* There is hereby created, within the Department of Conservation a Division of Soil and Water Resources. The division shall consist of a Soil and Water Resources Commission, a director, and such officers, employees and agents as the commission may deem necessary for carrying out the functions of the division. It shall be the function of the division, through the commission and the director, to assist soil conservation districts organized under Kentucky Soil Conservation Districts Law in carrying out the functions, powers and duties conferred upon them by such law.

§ 2. *Soil and Water Resources Commission.*

A. The Soil and Water Resources Commission shall consist of nine members, not more than five of whom shall be of the same political party, to be appointed by the State Commissioner of Conservation.

B. One such member shall be appointed from each of the nine Congressional Districts of the State from a list of two names submitted from each Congressional District by the supervisors of the soil conservation districts that have their principal offices therein. Such members must be supervisors of soil conservation districts located within the Congressional District from which their names are submitted.

C. The term of office of each such member shall be four years except that as to the members first appointed the Commissioner of Conservation shall designate three members for terms of two years, three for three years, and three for four years; *provided that,* whenever a member of the commission ceases to hold the office of district supervisor by virtue of

which he is serving on the commission, his term of office as a member of the commission shall be terminated, in which case, and in the case of any other vacancy other than one caused by the expiration of a term, a successor shall be appointed to serve the remainder of the unexpired term. Successors to fill a full or unexpired term shall be appointed in the same manner as the original appointments were made.

D. The members of the commission shall take the constitutional oath of office and shall meet within thirty days after their appointment and designate a chairman from among their members and may from time to time change such designation. The commission may employ such other officers, employees, and agents as it deems necessary and shall provide for surety bonds for members, the director, officers, employees or agents if entrusted with funds or property and it shall keep a record of its official actions. A majority of the commission shall constitute a quorum. The commission may call upon the state attorney general for such legal services as it may require. It may delegate to its chairman, any of its members, the director of the division or any officer, employee, or agent, such powers and duties as it deems proper. Members of the commission shall receive no compensation for their services, but shall be entitled to expenses, including traveling expenses, necessarily incurred in discharging their duties.

§ 3. *Director of Division of Soil and Water Resources —Appointment—Duties.* Upon the organization of the commission it shall appoint a director of the Division of Soil and Water Resources who shall be a graduate of a recognized agricultural college, with at least five years of practical experience in professional agricultural activities and who shall serve as evecutive officer for the commission. The director shall serve at the will of, and receive such compensation as may be determined by, the commission and before entering upon his duties shall take the constitutional oath. The director shall hold no other public office or employment. In addition to any other duties assigned to him by the commission, the director shall exercise, subject to the approval of

the commission, general administrative supervision over all activities, employees and property of the commission.

§ 4. *General Powres of Commission and Director.*

A. The commission shall have the general power to take any action it may consider necessary or proper to assist soil conservation districts in carrying out their functions, powers, duties and programs in accordance with the Kentucky Soil Conservation Districts Law and for such purpose it may furnish financial and other aid to the districts and perform such services for them at their request as may be possible under available appropriations and resources.

B. The commission shall take any action it may consider necessary or proper in order to discharge for the State any of the State's functions, responsibilities or duties relating to flood control, drainage and other activities with respect to the conservation, utilization or control of soil or water resources.

C. The commission may prescribe such rules and regulations as may be necessary to the performance of its duties and may enter into and execute any agreements or legal instruments that may be necessary for such purpose and it shall have the authority to acquire necessary supplies, matérials and equipment, and warehousing, servicing and maintenance facilities for such equipment.

§ 5. Section 146.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Conservation shall be headed by a Commissioner of Conservation, who shall receive an annual salary of five thousand dollars.

(2) The Department shall be divided into a Division of Parks, a Division of Forestry, a Division of Publicity, a Division of Archaelogy, and a Division of Soil and Water Resources.

§ 6. This Act shall be in addition to and not in lieu of any other Acts providing for the conservation of soil and soil resources within the State. All Acts or part of Acts in

conflict with this Act are hereby repealed to the extent of such conflict.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Roy W. Arnold	Harold G. Helm	Joe E. Nunn
Henry Arrowood	E. R. Hilton	Louis T. Peniston
F. O. Baker	Clyde S. Howard	Sylvester Phillips
Harold L. Barnes	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
W. G. Biggers	Ira W. Hulette	Kelse H. Risner
Jack Bingham	W. H. Hunt	Amos Runyan
B. J. Bonn	Kerby Jennings	J. W. Simmons
B. K. Brantley	Paul Jonas	Luther Slusher
John Y. Brown	B. F. Kincaid	Forrest Smith
Mrs. Mary Burnett	G. O. Kirkpatrick	E. A. Spencer
Chas. W. Burnley	Edgar Kitchen	Paul J. Stapleston
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	Ralph G. Stone
S. J. Daugherty	E. J. Lucas	C. W. Taylor
L. A. Demumbrun	E. H. Martin	Ray G. Tipton
Adron Doran	W. E. McClure	E. N. Todd
G. I. Drury	Jack McPherron	Walter L. Trivette
Forest C. Easley	J. L. Moore	S. J. Wagner
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
Tom Gilliam	Fred Morgan	Lyle H. Webb
M. B. Gilligan	E. C. Mullins	W. W. Webster
Otto W. Goff	Rodes K. Myers	Rodney Whitlow
R. M. Hall	J. C. Newcomb	John Wilborn
C. L. Hammonds	Thos. A. Noe	

—74

Those who voted in the negative were—

Ott Begley	J. J. Huff	Wade H. Riley
E. R. Denny	Hobart Rayburn	L. S. Stephens
Eck Embry		—7

Resolved that the title thereof be as aforesaid.

Mr. Preston moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 232. An Act relating to the establishment by cities of garbage disposal systems.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, the term "Acquire" shall mean and include construct, acquire by purchase, by lease, devise, gift, or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof and acquision by any other mode.

§ 2. (1) Any city may acquire, maintain and operate a garbage disposal system, together with extensions and necessary appurtenances thereto within or without the limits of the city.

(2) If any such garbage disposal system is acquired from a company having a franchise, such system may be acquired as an electric plant may be acquired under the provisions of KRS 96.550 to 96.900, except as otherwise provided in this Act.

§ 3. (1) Before any city may acquire, maintain or operate any such garbage disposal system, the legislative body of the city shall pass an ordinance declaring it desirable that

this be done, and shall prepare an estimate of the probable cost of the system. If revenue bonds are to be issued to pay the cost the ordinances shall so provide. An election shall be had on the adoption of the ordinance if a number of legal voters of the city equal to twenty-five percent of the total number of votes cast in the city at the last regular election file a petition within ten days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating a garbage disposal system in accordance with the estimate of cost adopted by the ..... (here insert name of city) and the issuance of revenue bonds in the amount of $..... (here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the system, based upon the estimate of cost)". Opposite the question shall be printed "Yes" and "No", with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object for at least seven days before the date of the election in the newspaper having the largest circulation in the city, or by handbills posted at not less than four conspicuous places in each voting precinct in the city and at the door of the City Hall. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate the system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right of ways, constructions, franchises and easements necessary for the construction of the system.

§ 4. (1) Except where an election has been held and the proposition has been defeated, any city may borrow money and issue negotiable bonds, but only after an ordinance has been adopted specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance shall further provide that the proposed system, with necessary appurtenances thereto, is to be acquired pursuant to the provisions of this Act. Any bonds issued under the provisions of this Act shall be payable solely from the revenue derived from the operation of the garbage disposal system, and shall not constitute an indebtedness of the city within the meaning of the Constitution.

(2) Money received from bonds issued as provided in subsection (1) of this section may be used to advance the expense of operation and maintenance for one month after the establishment of the system. If a surplus is accumulated, from revenue, in the operation and maintenance fund equal to the cost of maintaining and operating the garbage disposal system during the remainder of the calendar, operating or fiscal year, as may be provided by ordinance on or before issuance of the bonds, the legislative body of the city may at any time transfer the excess to the depreciation account to be used for any improvements or additions to the system.

(3) Except as provided in subsection (2) of this section, all of the provisions of KRS 96.380 to 96.500 shall be applicable to proceedings under this Act.

§ 5. (1) Any city acquiring any such garbage disposal system under the provisions of this Act may by ordinance provide for the appointment of a commission of seven members to operate, manage and control the public utility system, which commission shall be known as the "..... Garbage Disposal." The Commission shall provide rules, regulations and by-laws for the garbage disposal system and shall, out of the revenue of the system, pay necessary operating expenses, repairs and additions thereto, and provide a sufficient reserve fund to insure that the system is kept in repair and in safe and sanitary condition and to provide against any

emergency that may arise. The commission shall from time to time pay to the city the surplus revenues derived from the operation of the system as provided in this Act.

(2) In order that the commission may be nonpartisan and nonpolitical, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who is related within the third degree to the mayor or any member of the legislative body of the city. The commission shall not appoint, to any subordinate office created by it, any person who is related to any member of the city legislative body or to the mayor or chief executive of the city, or to any member of the commission. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to be a member of the commission. The members of the Commission shall be citizens, taxpayers and legal voters of the city and shall not at the time of their appointment be indebted to the city or be surety on the official bond of any officer of the city. No member of the commission shall be interested in any contract for the furnishing of supplies or services of any kind to the system, or to the city. If at any time during his term of office any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his office on the commission and another person shall be appointed.

(3) Each commissioner shall execute bond with a surety company in the penal sum of one thousand dollars, conditioned upon the faithful performance of his official duties. The bonds shall be approved by the legislative body of the city and the premiums shall be paid by the city. An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

(4) The members of the commission shall serve without compensation.

(5) The first garbage disposal commission appointed in each city under this section shall be appointed for terms as follows: Two members for a term of one year, two for a

term of two years, and three for a term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 6. This Act is intended to create an additional and alternate method for the acquisition of the garbage disposal systems mentioned in section 2 of this Act, and is not intended to alter, amend or repeal any other statute.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Eck Embry	E. H. Martin
Roy W. Arnold	Tom Gilliam	W. E. McClure
Henry Arrowood	M. B. Gilligan	Jack McPherron
F. O. Baker	Otto W. Goff	Harry L. Moore
Harold L. Barnes	R. M. Hall	J. L. Moore
F. H. Bassett, Jr.	C. L. Hammonds	J. Lee Moore
Ott Begley	Harold G. Helm	Fred Morgan
W. G. Biggers	E. R. Hilton	Joe T. Morgan
B. J. Bonn	Clyde S. Howard	E. C. Mullins
J. C. Bradley	Maurice Howard	J. C. Newcomb
B. K. Brantley	Jerry F. Howell	Thos. A. Noe
John Y. Brown	J. J. Huff	Joe E. Nunn
Mrs. Mary Burnett	Ira W. Hulette	Louis T. Peniston
Chas. W. Burnley	W. H. Hunt	Sylvester Phillips
Alex. H. Calvert	Kerby Jennings	L. W. Preston
W. K. Coleman	Paul Jonas	E. F. Prichard
S. J. Daugherty	L. H. Jones	Hobart Rayburn
L. A. Demumbrun	B. F. Kincaid	Kelse H. Risner
E. R. Denny	G. O. Kirkpatrick	Amos Runyan
Adron Doran	A. L. Love	J. W. Simmons
G. I. Drury	E. J. Lucas	Luther Slusher
Bernie S. Edlin	F. G. Marquette	Forrest Smith

Paul J. Stapleton	Ray G. Tipton	Lyle H. Webb
Geo. W. Steinford	E. N. Todd	W. W. Webster
L. S. Stephens	Walter L. Trivette	Lawrence Wells
Ralph G. Stone	S. J. Wagner	Rodney Whitlow
C. W. Taylor	Harry F. Walters	John Wilborn

— 81

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 69. An Act to increase the amounts that may be paid as salaries to probation officers in counties having a city of the 2nd class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of section 199.240 of the Kentucky Revised Statutes is amended to read as follows:

In counties having a city of the second class, or a city of a population of more than twenty thousand and not exceeding one hundred thousand as determined by the last preceding Federal census, the county court may appoint one probation officer, who shall be designated as chief probation officer, and who shall receive a salary of not exceeding $2,700.00 per annum, to be fixed by the county judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding $2,100.00 per annum, and one of whom shall receive a salary of not exceeding $1,800.00 per annum, and such other assistants as are necessary, who shall receive a salary not exceeding $1,200.00 per annum, such salaries to be fixed by the judge of the county court.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Rodes K. Myers
Roy W. Arnold	Clyde S. Howard	Joe E. Nunn
Henry Arrowood	Jerry F. Howell	Louis T. Peniston
F. O. Baker	J. J. Huff	L. W. Preston
Harold L. Barnes	Ira W. Hulette	Hobart Rayburn
F. H. Bassett, Jr.	W. H. Hunt	Kelse H. Risner
Ott Begley	Kerby Jennings	Amos Runyan
W. G. Biggers	Paul Jonas	J. W. Simmons
B. J. Bonn	L. H. Jones	Luther Slusher
Mrs. Mary Burnett	G. O. Kirkpatrick	Forrest Smith
Chas. W. Burnley	Edgar Kitchen	E. A. Spencer
Alex. H. Calvert	Homer E. Losey	Paul J. Stapleton
W. K. Coleman	E. J. Lucas	Geo. W. Steinford
L. A. Demumbrun	F. G. Marquette	Ralph G. Stone
Adron Doran	E. H. Martin	C. W. Taylor
G. I. Drury	W. E. McClure	Ray G. Tipton
Bernie S. Edlin	Jack McPherron	E. N. Todd
Eck Embry	Harry L. Moore	S. J. Wagner
Tom Gilliam	J. L. Moore	Harry F. Walters
M. B. Gilligan	J. Lee Moore	W. W. Webster
Otto W. Goff	Fred Morgan	Geo. J. Weining
R. M. Hall	E. C. Mullins	John Wilborn
C. L. Hammonds		

—67

Those who voted in the negative were—

E. R. Denny	Harold G. Helm	Lawrence Wells

—3

Resolved that the title thereof be as aforesaid.

Mr. Martin moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. J. Lee Moore moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 26, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend L. L. Gilmore of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz:

C. W. Anderson	L. A. Demumbrun	J. J. Huff
Roy W. Arnold	E. R. Denny	Ira W. Hulette
Henry Arrowood	Adron Doran	W. H. Hunt
F. O. Baker	G. I. Drury	Kerby Jennings
Harold L. Barnes	Forest C. Easley	Paul Jonas
F. H. Bassett, Jr.	Bernie S. Edlin	L. H. Jones
Ott Begley	Eck Embry	B. F. Kinkaid
W. G. Biggers	A. H. Eversole	G. O. Kirkpatrick
Jack Bingham	Tom Gilliam	Edgar Kitchen
B. J. Bonn	M. B. Gilligan	Homer E. Losey
J. C. Bradley	Otto W. Goff	A. L. Love
John Y. Brown	R. M. Hall	H. K. Lowman
Mrs. Mary Burnett	C. L. Hammonds	E. J. Lucas
Chas. W. Burnley	Harold G. Helm	Ed Marcum
Alex. H. Calvert	E. R. Hilton	F. G. Marquette
W. K. Coleman	Clyde S. Howard	E. H. Martin
Fred Creasey	Maurice Howard	W. E. McClure
S. J. Daugherty	Jerry F. Howell	Jack McPherron

Harry L. Moore	E. F. Prichard	Ray G. Tipton
J. L. Moore	Hobart Rayburn	E. N. Todd
J. Lee Moore	Wade H. Riley	Walter L. Trivette
Fred Morgan	Kelse H. Risner	S. J. Wagner
Joe T. Morgan	Amos Runyan	Harry F. Walters
E. C. Mullins	J. W. Simmons	Lyle H. Webb
Rodes K. Myers	Luther Slusher	W. W. Webster
J. C. Newcomb	Forrest Smith	Geo. J. Weining
Thos. A. Noe	E. A. Spencer	Morris Weintraub
Joe E. Nunn	Paul J. Stapleton	Lawrence Wells
Louis T. Peniston	Geo. W. Steinford	Rodney Whitlow
Sylvester Phillips	L. S. Stephens	John Wilborn
L. W. Preston	Ralph G. Stone	Mr. Speaker

Mr. Doran moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. J. Lee Moore moved that the House do now recess for twenty minutes.

Said motion was agreed to.

And then the House recessed.

Twenty minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Losey moved that Misses Martha Sue and Phyllis Joyce Ernst, daughters of The Honorable R. R. Ernst be appointed Honorary Pages of this House.

Said motion was agreed to.

Mr. Ernst moved that the privilege of the floor be extended to Mr. and Mrs. G. A. Johnson of Morehead, Kentucky.

Said motion was agreed to.

Mr. Harry L. Moore moved that the privilege of the floor

be extended to Messrs. Joe Davis, M. J. Collins, S. E. Cole, Oliver Stapleton, John Fleenor, Joe Sexton, Morris Dotson, Irvin Fitch, Marcus Spurgeon, Fred Gardner and O. M. Bolling.

Said motion was agreed to.

Mr. John Y. Brown moved that the privilege of the floor be extended to Messrs. Williams, Van Lahr and Allen Holland.

Said motion was agreed to.

Mr. Eversole moved that the privilege of the floor be extended to Messrs. Guy Tuggle and Beverly Hubbard.

Said motion was agreed to.

Mr. Kincaid moved that the privilege of the floor be extended to Mr. J. W. Snowden.

Said motion was agreed to.

Mr. Newcomb moved that the privilege of the floor be extended to Mr. E. C. Ellison.

Said motion was agreed to.

Mr. Howell moved that the privilege of the floor be extended to Misses Polly Jo McCollough and Janice Wollifer and Messrs. Bill Sturgill and Casey Goman.

Said motion was agreed to.

Mr. Steinford moved that the privilege of the floor be extended to Messrs. Frank Gillispie, Robert Moore, John K. Penrod and B. J. Moore.

Said motion was agreed to.

The Committee to which the same had been referred, reported bills and resolutions of the following titles, viz:

By Mr. Howell of the Committee on Appropriations.

H. B. 247. An Act relating to the State Educational agency for surplus property.

H. Res. 77. A Resolution appropriating $1,000 to Clerk's office.

S. Res. 5. Joint Resolution providing for the purchase of the Kentucky Directory.

H. B. 227. An Act making provisions for a Kentucky Commission on Negro Affairs.

With a Committee Amendment thereto.

By Mr. Drury of the Committee on Oils and Minerals.

H. B. 422. An Act to require permits for the drilling of oil or gas wells, establish spacing requirements, etc.

H. B. 423. An Act creating the Kentucky Geological Survey and defining its functions, etc.

By Mr. Walters of the Committee on Agriculture #1.

H. B. 375. An Act to control and prevent the spread of infections and communicable diseases among poultry.

H. B. 315. An Act relating to swine.

With a Committee Amendment thereto.

By Mr. Weining of the Committee on Cities of the First Class.

H. B. 397. An Act relating to the classified service under the Merit System in cities of the First class.

H. B. 439. An Act relating to Representative Districts.

By Mrs. Burnett of the Committee on Juvenile Courts and Children's Home.

H. B. 358. An Act relating to public assistance, including old age assistance and aid to the needy blind.

By Mr. Clyde Howard of the Committee on Suffrage and Elections.

S. B. 33. An Act relating to primary and general elections, particularly relating to contest of elections.

S. B. 25. An Act relating to the registration and purgation of voters.

With Committee Amendments thereto.

By Mr. Burnley of the Committee on Ways and Means.

S. B. 71. An Act to authorize any county to acquire by purchase, construction or extension buildings and land to be used by said counties for courthouses, etc.

S. B. 23. An Act providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising and amending the Constitution of the Commonwealth.

H. B. 416. An Act relating to employment service.

H. B. 381. An act fixing the regular term of the Circuit Court in the Counties of McCracken and Marshall.

S. B. 18. An Act relating to the reemployment of veterans.

S. B. 44. An Act relating to law clerks for the Court of Appeals.

By Mr. Gilliam of the Committee on Cities of the Second Class.

H. B. 378. An Act to amend Sec. 96.540 KRS relating to restrictions on conveyance or encumbrance of water works on lighting systems by cities of the second, third, fourth, fifth, or sixth classes.

H. B. 78. An Act to amend subsec. 7 of Sec. 67.080 KRS so as to increase the amount that may be paid as compensation to such person as the fiscal courts in counties containing a city of the second class employ to keep accounts, etc.

H. B. 412. An Act relating to members of police and fire departments in cities of the second and third classes.

H. B. 428. An Act relating to Mayor pro-tem and vacancies in the office of Mayor and City Commissioners in City of the Second Class.

H. B. 287. An Act relating to the procedure for assessing property for taxation purposes in cities of the second class.

H. B. 115. An Act authorizing fiscal courts in counties containing a city of the second class to employ a person to supervise all purchases made for said county.

By Mr. J. Lee Moore of the Committee on Revenue and Taxation.

H. B. 292. An Act relating to boxing and wrestling.

By Mr. Webster of the Committee on Courts.

H. B. 389. An Act relating to the terms of court in the 11th Judicial District.

H. B. 351. An Act relating to the indexing of county records.

S. B. 60. An Act to repeal, amend and re-enact para. C of subsec. 1 of Sec. 391.030 KRS.

With the expression of opinion that said bills and resolutions out to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 304. An Act pertaining to motor carriers.

Without an expression of opinion.

Ordered that said bill be laid on the Clerk's Desk.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 197. An Act relating to county treasurers.

H. B. 217. An Act imposing a tax on the production of coal, etc.

H. B. 240. An Act relating to carriers of passengers by rail.

H. B. 161. An Act relating to time.

H. B. 359. An Act relating to Statute Revision Commission.

H. B. 360. An Act relating to confinement of prisoners when not working and providing for credit allowed on fine.

By Mr. Webster of the Committee on Courts.

H. B. 413. An Act relating to deadly weapons.

By Mr. Risner of the Committee on Criminal Law.

H. B. 332. An Act providing that accused in criminal cases must give written notice three days before trial to Commonwealths Attorney of intention to offer alibi.

H. B. 333. An Act relating to preemptory challenges in criminal cases.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz:

By Messrs. McClure, Hilton, L. H. Jones, Martin and Clyde S. Howard.

H. B. 450. An Act relating to Elections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any election officer who willfully fails to perform the duties imposed by subsection (1) of KRS 118.280 shall be fined not less than fifty dollars nor more than two hundred and fifty dollars.

§ 2. Any member of a county board of election commissioners who is responsible for a failure to comply with the provisions of KRS 118.400 shall be fined not less than fifty dollars nor more than two hundred and fifty dollars.

By Messrs. C. S. Howard, and Simmons.

H. B. 451. An Act relating to Commonwealth's Attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any Commonwealth's Attorney of this Commonwealth who during his term of office was inducted into the Armed Services of the United States under the Selective Service Act enacted by the Congress of the United States of America, and any Commonwealth's Attorney who may be so inducted during his term of office, shall have deducted from the salary, commissions and compensation the total amount paid by the Commonwealth as now provided by KRS 69.060 to any Commonwealth's Attorneys pro tem who served in the absence of the Commonwealth's Attorney, and except as to said deduction or deductions, each and every Commonwealth's Attorney heretofore or hereafter inducted into the armed services of the United States under the aforesaid Selective Service Act, shall be paid the full salary, commissions and compensation prescribed by KRS 69.050, notwithstanding the temporary absence of such Commonwealth's Attorney during such service in the Armed Services of the United States.

It is hereby declared to be the Legislative intent and purpose to do justice to the officials to whom this act is applicable, as their services were performed during their absence by others qualied to serve, and that the Commonwealth has no moral or equitable claim or right to profit by the retention of fines and forfeitures which were collected and paid into the State Treasury and to which the Commonwealth would not have been entitled to retain had such officers not been required to serve their State and Country in another capacity.

By Mr. Rodes Myers.

H. B. 452. An Act to amend section 186.140 KRS which relates to reciprocity for non-resident owners of automobiles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 186.140, of the Kentucky Revised Statutes, which relates to reciprocity for non-resident owners of automobiles be amended and re-enacted, so that said section as amended shall read as follows:

"186.140—Reciprocity for Non-Residents. A non-resident owner or operator of motor vehicles used for the transportation of said owner, guests, or other passengers from a state not requiring registration of non-residents temporarily in it or the payment of license fees and taxes by non-residents who have complied with the laws of the State of their residence relating to the registration of motor vehicles and the payment of license fees and taxes thereon and who display the requisite plates and hold the requisite receipts or certificate of registration and the evidence of the payment of such license fees and taxes as required by his or its resident state shall be exempt from registration in this state and from the payment of any license fees and taxes for the same period of time as is granted to non-resident owners and operations of this state.

Nothing herein contained shall be construed to relieve any resident of this state from the penalties provided in Kentucky Revised Statutes 186.990."

By Mr. Myers.

H. B. 453. An Act relating to the collection of school taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. The tax collector shall be entitled to a fee at the rate of four percent for the collection of school taxes, which fee may be charged only for collecting or receiving

school taxes or school funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case as independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

By Mr. Myers.

H. B. 454. An Act relating to marriage.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 402.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) No marriage shall be contracted between persons who are nearer of kin to each other by consanquinity, whether of the whole or half-blood, than second cousins.

(2) Marriages prohibited by subsection (1) of this section are incestuous and void.

By Mr. Weintraub.

H. B. 455. An Act to provide for the general welfare and to protect the health, efficiency and general well-being of all people of the Commonwealth of Kentucky; etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known as the "Wage and Hour Act of Kentucky".

Section 2. *Definitions.*

As used in this Act:

(a) "Commissioner" shall mean the Commissioner of Industrial Relations.

(b) "Employ" includes permit or suffer to work.

(c) "Employer" includes any individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States.

(d) "Employee" includes any individual employed by an employer, but shall not include any individual employed (1) at a guaranteed monthly salary of $250.00 dollars or more, (2) in agriculture, or (3) in domestic employment in a private home.

(e) "Industry" means a trade, business, industry, or branch thereof, or group of industries in which individuals are employed.

(f) "Wage" means (except as the Commissioner may provide under Sec. 12) legal tender of the United States, or checks on banks convertible into cash on demand at full face value thereof and shall not include tips or gratuities of any kind, but shall include reasonable cost, as determined by the Commissioner, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees.

"Week" means any period of 7 consecutive days.

(h) "Agriculture" includes farming in all its branches and among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry,

and any practices (including any forestry or lumbering operations) performed by a farmer on a farm as a necessary incident to the above farming operations, including delivery to storage or to market or to carriers for transportation to market.

(i) "Job Classification" means those occupations within an industry or subdivision thereof requiring a similar degree of training, experience and skill.

(j) "Unskilled job classification" as applied to any industry or subdivision thereof, means a job classification which does not require previous training or experience.

Section 3. *Minimum Wages.*

(a) Every employer except as the Commissioner may provide pursuant to Section 10 of this Act, shall pay to each employee employed by him, wages at the following rates:

(1) During the first year from the effective date of this section, not less than 65 cents an hour;

(2) During the second year from such date, not less than 70 cents an hour;

(3) After the expiration of two years from such date, not less than 75 cents an hour; and

(4) At any time after the effective date of this section, not less than the applicable rate or rates (not in excess of 75 cents an hour for unskilled job classifications) prescribed in the applicable order of the Administrator issued under section 7;

Provided, that no employer with respect to any of his employees, shall reduce the relative standard of compensation between the minimum wage and any wage or salary rate above the minimum, because of the application of any minimum wage requirement of this Act, nor shall any classification be made under this Act on the basis of age or sex, nor wage or rate paid the female employees, which is less than the wage or rate he pays, or has paid to male employees, for work of comparable quality or quantity.

(b) This section shall take effect on September 1, 1946.

Section 4. *Minimum Hours.*

(a) No employer shall, except as hereinafter provided

in this section, employ any employee, after the effective date of this section, in excess of 8 hours a day or 40 hours a week, unless such employee receives compensation for employment in excess of such daily or weekly hours, whichever excess is greater, at a rate not less than one and one-half times the regular rate at which he is employed.

(b) The provisions of Section 4(a) shall not apply to any employee employed in such extraordinary emergencies as those resulting directly from fire, flood, storm, or similar natural forces, or epidemic of illness or disease, which require employment in excess of the hours specified in Section 4(a) in order that life, health, or property may be preserved; provided, however, that the employer shall pay each employee so employed at not less than his regular rate of pay for each hour employed in excess of the hours specified in Section 4(a); provided, further, that in each such case the employer shall immediately notify the Commissioner of such excess employment in such manner as the Commissioner may require.

(c) This section shall take effect on September 1, 1946.

Section 5. *Wage Investigations; Appointment of Wage Boards.*

For the purpose of carrying out the declared policy of this Act, the Commissioner, upon his own motion, may from time to time or upon the petition of 100 or more residents of the State, shall investigate the wages paid to employees employed in any industry. If, on the basis of information in his posession, with or without an investigation, the Commissioner is of the opinion that any substantial number of employees employed in any industry are receiving wages which are less than sufficient to maintain the employees in health, efficiency, and general well-being, he shall appoint a wage board to recommend a minimum wage for such industry. The issuance of a wage order for an industry pursuant to Section 7 shall not preclude the Commissioner from again appointing a wage board in accordance with this section to recommend a minimum wage for such industry.

Section 6. *Wage Boards; Powers and Duties; Recommendations.*

(a) A wage board shall be appointed by the Commissioner without regard to any other provisions of law regarding the appointment and compensation of employees of the State. It shall include a number of disinterested persons representing the public, one of whom the Commissioner shall designate as chairman, a like number of persons representing employees in the industry, and a like number representing employers in the industry. The representatives of the employers and employees shall be selected so far as practicable from nominations submitted by employers and employees, or organizations thereof, in such industry. Two-thirds of the members of such wage board shall constitute a quorum and its recommendations shall require a vote of not less than a majority of all its members. The members of a wage board shall be entitled to compensation at the rate of not to exceed $15.00 per day for each meeting attended by them, or each day actually spent in the work of the board. They shall also be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties. The Commissioner shall make rules and regulations not inconsistent with this Act, governing the selection of a wage board, and its mode of procedure.

(b) The Commissioner shall present to a wage board all the evidence and information in his possession relating to the wages in the industry for which the wage board was appointed, and all other information which the Commissioner deems relevant to the establishment of a minimum wage for such industry, and shall cause to be brought before the board any witnesses whom the Commissioner deems material. A wage board may summon other witnesses or call upon the Commissioner to furnish additional information to aid in its deliberations.

(c) Within sixty days of its organization, a wage board shall submit to the Commissioner its recommendations as to a minimum wage (which in no case shall be less than the then appropriate rate prescribed by Section 3(a) to be paid by employers in the industry considered, which it determines to

be as nearly adequate as is economically feasible to maintain the minimum standard of living necessary for the health, efficiency, and general well-being of workers. These recommendations may include minimum wages varying with localities, if, in the judgment of the board, conditions make such local differentiation proper and necessary to effectuate the purposes of this Act and such differentiation does not give an undue competitive advantage to any locality; may include terms and conditions relating to part-time employment, including the wage rates to be paid therefor, and suitable treatment of other cases or classes of cases which, because of the nature and character of the employment, in the judgment of the board, justify special treatment. In making such recommendations, a wage board shall consider, among other relevant factors, (1) cost of living, (2) the wages established in the State for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing, and (3) the wages paid in the State for work of like or comparable character by employers who voluntarily maintain reasonable minimum wage standards. If the report of the wage board is not submitted within sixty days, the Commissioner may appoint a new wage board.

No classification shall be made under this section on the basis of age or sex, nor shall the wage paid to any female employee be less than the rate which the employer must pay to male employees for work of comparable quality and quantity.

Section 7. *Wage Orders.*

(a) Upon the filing of the wage board's report, the Commissioner, after due notice to interested persons, and a public hearing thereon, shall by order, approve and carry into effect the recommendations contained in such report, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the public hearing, that they recommend minimum wages that are as nearly adequate as is economically feasible to maintain the minimum standard of living necessary for the health, efficiency and general well-being of workers, taking into consideration the same factors as are required to be considered

by the wage board, and will carry out tthe purposes of this Act; otherwise, he shall disapprove such recommendations. If the Commissioner disapproves such recommendation, he shall again refer the matter to the same wage board, or to another wage board, for such industry (which he may appoint for such purpose), for further consideration and recommendations. Due notice of any hearing provided for in this section shall be given by publication in such newspapers, and by such other means, as the Commissioner deems reasonably calculated to give general notice to interested persons. The rules of evidence applied by the courts in proceedings at law and in equity, shall not apply in any hearings or proceedings conducted by or before the Commissioner or a wage board.

(b) Orders issued under this section shall define the industry to which they shall apply, and may include such administrative regulations as the Commissioner finds necessary to carry out the purposes of this Act, and of the orders. Except as provided in Section 10, the rates established by any minimum wage order shall apply alike to all employees, regardless of age or sex.

(c) No such order shall take effect until thirty days after due notice is given of the issuance thereof by publication in such newspapers, and by such other means as the Commissioner deems reasonably calculated to give to interested persons general notice of such issuance. A certified copy of each such order shall be filed in the office of the Secretary of State.

Section 8: *Right of Review.*

(a) Any person aggrieved by an order of the Commissioner issued under Section 7, may obtain a review of such order in the Franklin Circuit Court, by filing in such Court, within sixty days after the entry of such order, a written petition praying that the order of the Commissioner be modified or set aside, in whole or in part. A copy of such petition shall forthwith be served upon the Commissioner, and thereupon the Commissioner shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript, such court

shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part, so far as it is applicable to the petitioner. The review by the court shall be limited to questions of law, and findings of fact by the Commissioner when supported by substantial evidence shall be conclusive. No objection to the order of the Commissioner shall be considered by the court unless such objection shall have been urged before the Commissioner, or unless there were reasonable grounds for failure so to do. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding, and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Commissioner, the court may order such additional evidence to be taken before the Commissioner, and to be adduced upon the hearing as to the court may seem proper. The Commissioner may modify his findings by reason of the additional evidence so taken (but in no case may he modify the recommendations of a wage board, except upon, and in accordance with, the further recommendations of such a wage board), and shall file with the court such modified or new findings which, if supported by substantial evidence, shall be conclusive, and shall also file his recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court shall be final, subject to right of appeal to the Court of Appeals.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Commissioner's order. The court shall not grant any stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court, for the payment to the employees affected by the order, in the event such order is affirmed, of the amount by which the compensation such employees are entitled to receive under the order exceeds the compensation they actually receive while such stay is in effect.

Section 9. *Investigations; Inspections; Records.*

(a) The Commissioner is authorized, and it shall be his duty, to enforce the provisions of this Act, and any orders issued thereunder. For administrative purposes, there is hereby created within Department of Industrial Relations, a Wage and Hour Division. Said division shall be under the charge of a director, and shall be organized in the same manner as other bureaus or divisions of the said Department of Industrial Relations. If he deems such action advisable for the more efficient and economical administration of the work and duties of the Department of Industrial Relations, the Commissioner, regardless of the provisions of any other law, may combine or consolidate the activities of any other division or bureau of the Department of Industrial Relations, with those of the Wage and Hour Division. The Commissioner shall have the authority to appoint the director of the Wage and Hour Division and such assistants and other employees as may be necessary for the proper enforcement of this Act, and to fix their compensation, subject to existing laws applicable to the appointment and compensation of employees of the State.

(b) The Commissioner or his authorized representative may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in the State, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this Act, or which may aid in the enforcement of the provisions of this Act, or in connection with the recommendation of further legislation.

(c) Every employer shall keep in or about the premises wherein any employee is employed, a record of the name, address, and occupation of each such employee, of the amount paid each pay period to each such employee, of the hours worked each day and each work-week by each such employee, and of such other information and for such periods of time as the Commissioner may by regulation or order prescribe.

The Commissioner or his authorized representative shall, for the purpose of examination, have access to, and the right to, copy from such records, and every employer shall furnish to the Commissioner or his authorized representative, on demand, a sworn statement of such records, and, if the Commissioner shall so require, upon forms prescribed or approved by him. Every employer shall furnish to the Commissioner or his authorized representative such information relating to the employment of workers, and in such manner as the Commissioner may require. Every employer shall keep a printed abstract of the law, and a copy of any minimum wage order to which he may be subject, conspicuously posted in or about the premises wherein any person subject thereto is employed. Employers shall be furnished copies of such abstract and orders on request without charge.

(d) Any employer who hinders or delays the Commissioner or his authorized representative in the performance of his duties in the enforcement of this Act; or who refuses to admit the Commissioner or his authorized representative to any place of employment; or who fails to keep, or falsifies, any record required under the provisions of this section, or who refuses to make such records accessible, or to furnish a sworn statement thereof, or to give information required for the proper enforcement of this Act, upon demand, to the Commissioner or his authorized representative; or who fails to post an abstract of this law or a copy of a minimum wage order as required by this section, shall be deemed to have violated this Act.

Section 10. *Learners; Apprentices; Handicapped Workers.*

The Commissioner may by regulations or by orders provide for the employment, under special certificates issued pursuant to regulations of the Commissioner, (1) of learners, at such wages lower than the applicable minimum wage, and subject to such limitations as time, number, proportion, and length of service as the Commissioner shall prescribe, (2) of apprentices, at such wages lower than the applicable minimum wage as are approved by the State Apprenticeship Council, and (3) of individuals whose earning capacity is im-

paired by age or physical or mental deficiency or injury, at such wages lower than the applicable minimum wage and for such period as shall be fixed in such certificates.

Section 11. *Oaths; Affidavits; Subpoenas.*

(a) The Commissioner or his authorized representative, or a wage board, shall have the power to administer oaths, to take or cause to be taken, the depositions of witnesses, and to require by subpoena the attendance and testimony of witnesses and the production of all books, records, and other evidence relative to any matter under investigation. Such subpoenas shall be signed and issued by the Commissioner or his authorized representative, or by the chairman of the wage board, as the case may be. In cases of failure of any person to comply with any subpoena lawfully issued under this section, or on the refusal of any witness to produce evidence or to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any Circuit court, or the judge thereof, upon application of the Commissioner or his authorized representative, or the chairman of the wage board, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein. The Commissioner shall have the power to certify to official acts.

(b) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commissioner or his authorized representative or a wage board, or in obedience to the subpoena of the Commissioner or his authorized representative or a wage board, or in any cause or proceeding instituted under this Act, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such

individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Section 12. *Regulations and Orders.*

(a) The Commissioner shall have the power to make, issue, amend and rescind such regulations and orders as are necessary or appropriate to carry out the provisions of this Act. Such regulations or orders, without being limited thereto, and without limiting the generality of the foregoing, may define terms used in this Act, may include such terms and conditions, including the restriction or prohibition of industrial home work, or of such other acts or practices, as the Commissioner finds necessary or appropriate to carry out the purposes of the Act, or of a wage order issued thereunder, and to prevent the circumvention or evasion thereof, and to safeguard the standards therein established; and shall include such partial or total restrictions or prohibitions on the employment (notwithstanding the payment of time and one-half the regular rate of pay) of employees in excess of the hours specified in Section 4(a) as he finds necessary to prevent the reduction of wage rates for the purpose of evading the penalizing effect of the overtime compensation provisions of Section 4(a) or the circumvention by other devices of the intent of Section 4(a) to reduce hours of labor; and may permit reasonable deductions from the minimum wage applicable under the Act or a wage order issued pursuant thereto for the board, lodging or other similar service furnished by an employer to his employees.

(b) Regulations or orders of the Commissioner issued pursuant to subsection (a) which relate to industrial home work, or to emmployment in excess of the hours specified in Section 4(a), shall be made only after notice to interested persons, and a public hearing by the Commissioner, at which such persons may be heard.

(c) Regulations or orders issued pursuant to this section shall take effect upon publication in such newspapers, and by such other means as the Commissioner deems reasonably calculated to give to interested persons general notice of such issuance.

Section 13. *Co-operation with Federal Agency.*

The Department of Industrial Relations may, and it is hereby authorized, to assist and co-operate with the Wage and Hour Division and the Children's Bureau, U. S. Department of Labor, in the enforcement within this State, of the Fair Labor Standards Act of 1938, approved June 25, 1938, and, subject to the regulations of the Administrator of the Wage and Hour Division or of the Chief of the Children's Bureau, as the case may be, and to the laws of the State applicable to the receipt and expenditure of moneys, may be paid or reimbursed by said Division and the said Bureau for the reasonable cost of such assistance and co-operation.

Section 14. *Penalty Provisions; Collection of Unpaid Wages.*

(a) Any employer who violates any provision of this Act or of a wage order issued pursuant to Section 7, or of any regulation or order of the Commissioner issued under the authority of this Act, or who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his employer, the Commissioner, or any other person, or instituted or caused to be instituted, any proceeding under or related to this Act, or has testified or is about to testify, in any such proceedings, or has served or is about to serve on a wage board, shall, upon conviction thereof, be punished by a fine of not less than twenty-five, nor more than five hundred dollars, or by imprisonment for not less than ten, nor more than ninety days, or by both such fine and imprisonment. Each day a violation shall continue shall constitute a separate offense.

Failure of an employer to pay an employee the minimum wage or overtime compensation, if any, required by Sections 3 and 4, respectively, in full, within 5 days after the end of the customary pay period during which the wages were earned, shall constitute prima facie evidence of a violation of such sections.

(b) (1) Any employer who violates any provision of Sections 3 or 4 of this Act shall be liable to the employee or employees affected, in the amount of their unpaid minimum

wages, or unpaid overtime compensation, as the case may be, and in an additional equal amount of liquidated damages.

(2) Action to recover such liability may be maintained in any court of competent jurisdiction, by any one or more employees, for and in behalf of himself or themselves, and other employees similarly situated, or such employee or employees may designate an agent or representative to maintain such action for and in behalf of all employees similarly situated. The Court, in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action. At the request of any person paid less than the amount to which he is entitled under the provisions of this Act, the Commissioner may take an assignment in trust for the assigning employee of the full amount to which he is entitled under this subsection, and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The Commissioner shall not be required to pay the filing fee, or other costs, in connection with such action. The Commissioner in case of suit shall have power to join various claimants against the same employer in one cause of action.

(c) Whenever it shall appear to the Commissioner that any employer is engaged in any act or practice which constitutes or will constitute a violation of any provision of this Act, or of any provision of any regulation or wage order issued thereunder, he may, in his discretion, bring an action in the Franklin Circuit Court to enjoin such act or practice, and to enforce compliance with this Act or with such regulation or wage order, and upon a proper showing, a permanent or temporary injunction or decree or restraining order shall be granted without bond.

Section 15. *Relation to Other Laws.*

Except as may be specifically provided, nothing in this statute shall in any way repeal or affect the validity of any State law or any order or regulation issued thereunder, establishing or authorizing the establishment of minimum wages or maximum hours, nor in any way interfere with the

right of the Commissioner to proceed under any such law, order, or regulation, or to issue, rescind, or modify orders or regulations under any existing law; and where any State law authorized a different procedure for the establishment of minimum wages or maximum hours from that herein authorized, the Commissioner shall have power to act under either or both of such procedures; Provided that the minimum wages and maximum hours established under this Act shall prevail and be in effect in all cases, except where another State law or any Federal law or any municipal ordinance, or any order or regulation issued thereunder, establishes a minimum wage higher than the minimum wage established under this Act, or maximum hours lower than the maximum hours established under this Act, such higher minimum wage and such lower maximum hours shall prevail and be in effect.

Section 16. *Right of Collective Bargaining Protected.*

Nothing in this Act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively through representatives of their own choosing, in order to establish wages in excess of the applicable minimum under this Act, or to establish hours of work shorter than the applicable maximum under this Act.

Section 17. *Separability.*

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances, shall not be affected thereby.

By Mr. Noe.

H. B. 456. An Act relating to rural roads and making an appropriation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. There is hereby appropriated out of the State Road

Fund for the fiscal year ending June 30, 1946, the sum of $1,000,000 for the maintenance of rural roads by counties.

2. One-half the sum appropriated shall be apportioned among the several counties on the basis of the ratio which the rural population of each county bears to the total rural population of the state. Rural population, as used herein, means the population outside cities having a population of five thousand or more as shown by the most recent decennial census of the United States Bureau of the Census.

3. One-half the sum appropriated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

4. The sums appropriated, after being allocated among the counties as provided in Section 2 and Section 3 of this Act shall be distributed to the counties as follows: The total of each county allocation of funds shall be paid, not later than April 1, 1946, to the treasurer of the county, who shall receive and credit the same to the "Rural Road Fund."

5. A quorum of the fiscal court of the county shall determine the rural roads to be improved and the nature of the improvement. The fiscal court shall, every three months, until the entire amount allocated to the county is used, caused to be published in a newspaper of county wide circulation, a detailed statement showing what money, allocated to the county by this Act, has been expended during the three months immediately preceeding, and the report shall show on what projects the money was spent and to whom and for what purpose it was paid. In no event shall more than five percent of the amount allocated to a county be used for the purpose of administering the fund.

6. Whereas, many rural roads are now practically unusuable, and

Whereas, in many instances it is impossible or impracticable for the Department of Highways to correct or improve the condition of rural roads, and

Whereas, the various counties do not have sufficient funds to cause the necessary work to be done, and

Whereas, the people residing in rural areas are suffering for the lack of travel outlets, and property values are being impaired, progress impeded, and public activities interfered with, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Maurice Howard.

H. B. 457. An Act relating to property subject to ad valorem taxes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any property owned by a private institution of education or by a religious society or organization, which property is used or employed for business purposes or for the purpose of producing income, shall be subject to ad valorem taxes the same as other privately owned property.

By Mr. Denny.

H. B. 458. An Act to amend and re-enact subsection (1) of Section (k) of Article 26 of Part 1 of Chapter 1 of the Acts of the Second Extraordinary Session of 1944, relating to appropriation for capital outlay.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Subsection (1) of Section (k) of Article 26, of Part 1 of Chapter 1 of the Acts of the Second Extraordinary Session of 1944 is hereby amended and re-enacted so as to read as follows, to-wit: For acquiring lands, the construction of buildings, the reconstruction of buildings, the purchase and installation of equipment and furnishings for the buildings so constructed or reconstructed, which equipment and furnishings are of a permanent nature, for the following

institutions, to-wit: Western State Hospital, at Hopkinsville; Central State Hospital, at Lakeland; Eastern State Hospital, at Lexington; Kentucky Training Home, at Frankfort; Houses of Reform, at Greendale; School for the Deaf, at Danville; School for the Blind, at Louisville; a War Memorial Field House at the University of Kentucky, Lexington; the Hazelwood Sanatorium at Hazelwood; Kentucky Children's Home, Lyndon, Kentucky; Darnell State Hospital, at Danville; and State Tuberculosis Sanatoriums to be established as provided in House Bill No. 147 of the 1944 Regular Session of the General Assembly. Of the $5,300,000.00 herein appropriated, not less that $1,500,000.00 thereof shall be spent for the construction, equipment and furnishings of the State Tuberculosis Sanatoriums.

By Messrs. Clyde Howard, and Simmons.

H. Res. 96. A Resolution providing for the payment to Milton T. Whitworth as Commonwealth's Attorney for the Ninth Judicial District of Kentucky of a sum equal to the salary and commission on fines and forfeitures as prescribed by KRS 69.050 from January 21, 1942, to April 10, 1945.

Said resolution is as follows, viz.:

Now, therefore, be it resolved by the General Assembly of the Commonwealth of Kentucky:

That in consideration of the facts recited in the preamble herein, the Commonwealth of Kentucky hereby recognizes and acknowledges a moral obligation to Milton T. Whitworth as Commonwealth's Attorney for the Ninth Judicial District of Kentucky to pay to the said Milton T. Whitworth out of the State Treasury as follows, to-wit:

(1) The full salary and the full commission on all fines and forfeitures and judgments rendered in said Judicial District which were collected and paid into the State Treasury from January 21, 1942, to April 10, 1945, at the rates and in the amounts prescribed by KRS 69.050.

(2) From the amount determined as next hereinabove prescribed there shall be deducted (a) the total amount heretofore paid to the said Milton T. Whitworth out of the State

Treasury as salary and commission on fines and forfeitures assessed on judgments rendered in said Judicial District between January 21, 1942 and April 10, 1945, and fines and forfeitures which were collected and paid into the State Treasury, and (b) the total amount paid to any Commonwealth's Attorney or Commonwealth's Attorney pro tem out of the State Treasury during said period.

The Commissioner of Finance hereby is authorized and directed to issue his warrant upon the State Treasury for the sum due and payable to the said Milton T. Whitworth, ascertained as hereinabove provided, and the Treasurer of the Commonwealth hereby is authorized and directed to honor said warrant and to issue a check on the State Treasury payable to Milton T. Whitworth in such amount and to deliver said check to the said Milton T. Whitworth. Said payment shall be charged to and paid out of the General Fund.

Ordered that said bills and resolutions be printed and referred.

Mr. Weintraub moved that a bill entitled:

H. B. 184. An Act relating to small loans.

Which was reported by the Committee on Banks and Banking on February 25, with the expression of opinion that said bill ought not to pass,

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Mrs. Mary Burnett	Forest C. Easley
Ott Begley	Alex. H. Calvert	Bernie S. Edlin
W. G. Biggers	E. R. Denny	Eck Embry
John Y. Brown	G. I. Drury	R. R. Ernst

A. H. Eversole
M. B. Gilligan
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
Maurice Howard
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
Edgar Kitchen
A. L. Love
H. K. Lowman
E. J. Lucas
Ed Marcum
F. G. Marquette
Jack McPherron
Harry L. Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Sylvester Phillips
E. F. Prichard
Kelse H. Risner
J. W. Simmons
Luther Slusher
E. A. Spencer
Paul J. Stapleton
L. S. Stephens
Ralph G. Stone
Ray G. Tipton
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Rodney Whitlow
—55

Those who voted in the negative were—

Roy W. Arnold
F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
B. J. Bonn
J. C. Bradley
Chas. W. Burnley
W. K. Coleman
S. J. Daugherty
L. A. Demumbrun
Adron Doran
Henry J. Giles
Clyde S. Howard
Jerry F. Howell
G. O. Kirkpatrick
E. H. Martin
J. L. Moore
J. Lee Moore
Louis T. Peniston
L. W. Preston
Wade H. Riley
Amos Runyan
Forrest Smith
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lawrence Wells
John Wilborn
—29

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 396. An Act to amend Sec. 289.200 subsec. 1 and 2, being a part of Chapter 289 KRS pertaining to building and loan associations.

H. B. 394. An Act to amend and re-enact Sec. 289.260 KRS requiring building and loan associations to set aside a portion of their gross profit each year as a reserve fund against contingent losses.

H. B. 253. An Act relating to banking.

H. B. 395. An Act to amend Sec. 289.080 subsec. 1 KRS being a part of Chapter 289 KRS pertaining to building and loan associations.

H. Res. 85. Resolution for the benefit of officers and employees of the Senate and House.

With a Committee Amendment thereto.

H. B. 122. An Act relating to matrons for police courts.

S. B. 62. An Act providing for the appointment and removal of deputy constables in counties containing a population of over 250,000.

H. B. 309. An Act relating to Senatorial Districts.

H. B. 354. An Act relating to compensation of the county tax commissioner and deputies in counties containing a city of the first class.

H. B. 303. An Act providing for the regulation of the operation of refrigerated lockers, etc.

H. B. 210. An Act relating to professional engineers.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Anderson moved that a bill entitled:

H. B. 224. An Act relating to services, rights, etc., to be made available to customers of mercantile establishments.

Be made a Special Order of the Day for Wednesday, February 27 at two o'clock p. m.

Said motion was agreed to.

Mr. Hilton moved that the House do now take up for immediate consideration from the Clerk's Desk, a bill entitled:

H. B. 142. An Act relating to Unemployment Compensation.

With a Committee amendment thereto by way of Substitute therefor.

Said motion was agreed to.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.040 of the Kentucky Revised Statutes is hereby repealed.

Section 341.270 of the Kentucky Revised Statutes is amended to read as follows:

341.270 DETERMINATION OF EMPLOYER'S CONTRIBUTION RATE. Each subject employer's contribution rate shall be two and seven-tenths percent.

Section 341.300 of the Kentucky Revised Statutes is amended to read as follows:

341.300 PENALTY ON UNPAID CONTRIBUTIONS: COLLECTION. (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall be subject to a penalty at the rate of one percent per month or fraction thereof from and after such date until payment is received by the commission.

(2) If, after due notice, any subject employer defaults in any payment of contributions or penalties thereon, the

amount due shall be collected by civil action in the name of the state, and the subject employer adjudged in default shall pay the cost of the action. Civil actions brought under this section shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workmen's compensation law.

Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

341.380 PAYMENT OF BENEFITS: AMOUNT. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulation of the commission. Claims for all payments of benefits shall be made in accordance with regulations of the commission.

(2) Benefits payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" or "Base Year Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year or benefit period shall be the amount in Column "D" of Table "A" which appears on the same line with "Base-Period Wages" or "Base Year Wages" of such worker as shown in Column "B" of the same table.

TABLE A

Wage Class	Base Period Wages or Base Year Wages	Benefit Rate	Maximum Amount
(A)	(B)	(C)	(D)
1	Less than $ 200.00	$ 0.00	$ 0.00
2	200.00 — 319.99	8.00	208.00
3	320.00 — 429.99	9.00	234.00
4	430.00 — 544.99	10.00	260.00
5	545.00 — 659.99	11.00	286.00
6	660.00 — 779.99	12.00	312.00
7	780.00 — 899.99	13.00	338.00

TABLE A (Continued)

Wage Class (A)	Base Period Wages or Base Year Wages (B)	Benefit Rate (C)	Maximum Amount (D)
8	900.00 — 1,024.99	14.00	364.00
9	1,025.00 — 1,249.99	15.00	390.00
10	1,250.00 — 1,379.99	16.00	416.00
11	1,380.00 — 1,509.99	17.00	442.00
12	1,510.00 — 1,644.99	18.00	468.00
13	1,645.00 — 1,779.99	19.00	494.00
14	1,780.00 — 1,919.99	20.00	520.00
15	1,920.00 — 2,059.99	21.00	546.00
16	2,060.00 — 2,204.99	22.00	572.00
17	2,205.00 — 2,349.99	23.00	598.00
18	2,350.00 — 2,499.99	24.00	624.00
19	2,500.00 — and over	25.00	650.00

Section 341.410 of the Kentucky Revised Statutes is amended to read as follows:

341.410 DETERMINATION OF CLAIM: NOTIFICATION OF INTERESTED PARTIES.

(1) The commission acting through its duly authorized representatives shall determine the validity of each claim and, if benefits are allowed, shall notify the claimant and the last employing unit by whom the claimant was employed. Such last employing unit shall be a party to the determination. If benefits are denied the commission shall notify the claimant. The commission may, at any time within a claimant's benefit year, make such further determinations as may affect the claimant's eligibility for benefits or may set aside, reconsider, modify, or amend a determination at any time on the basis of additional information or to correct a clerical mistake. The commission may by regulation prescribe what constitutes a determination as used in this section and in subsections (2) and (3) of KRS 341.420.

(2) In any case in which the payment or denial of benefits will be determined by subsection (1) of KRS 341.360, the examiner shall promptly transmit all the evidence with re-

spect to that paragraph to the commission, which, on the basis of the evidence so submitted and any additional evidence it may require, shall make a determination with respect thereto or may delegate the same to a specially designated agent to make such determination. Such determination shall be made only after all parties thereto have been afforded a reasonable opportunity for a fair hearing. A notice of the determination shall be furnished to the interested parties.

Section 341.420 of the Kentucky Revised Statutes is amended to read as follows:

341.420 APPOINTMENT OF REFEREES: APPEALS TO. (1) The commission shall appoint one or more impartial referees according to KRS 341.160 to hear and decide appealed claims.

(2) A party to a determination may file an appeal to a referee as to any matter therein within ten days after the receipt of notification of such determination or within ten days after the date such notification was mailed to his last known address. In cases involving subsection (1) of KRS 341.360 an appeal may be taken as is set out in KRS 341.460.

(3) If benefits are allowed by a determination but the record of the case indicates that a disqualification or a reduction of benefits under KRS 341.360 or 341.370 has been alleged, or may exist, benefits shall not be paid prior to the expiration of the period for appeal as provided in paragraph (2) of this section. No benefits may be paid during any time that an appeal is pending or prior to the expiration of the period for appeal, except that, if a referee affirms a determination allowing benefits, they shall be paid until or unless the decision of the referee is reversed by the commission.

(4) Unless such appeal is withdrawn, a referee, after affording the parties reasonable opportunity for a fair hearing, shall affirm or modify the determination. The parties shall be duly notified of his decision, together with the reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated under KRS 341.430.

Subsection (1) of Section 341.450 of the Kentucky Revised Statutes is amended to read as follows:

Section 341.450 JUDICIAL REVIEW. (1) Within twenty days after the decision of the commission, any party aggrieved thereby may, after exhausting his remedies before the commission, secure judicial review thereof by filing a petition for review against the commission in the circuit court of the county in which the claimant was last employed by a subject employer who is a party to the proceeding. Any other party to the proceeding before the commission shall be be made a defendant in such action. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner. The petitioner shall furnish copies thereof for each defendant to the commission, which shall deliver one copy to each defendant.

Section 341.530 of the Kentucky Revised Statutes is amended to read as follows:

341.530 EMPLOYER RESERVE ACCOUNTS. All monies in the fund shall be mingled and undivided and nothing in this Act shall be construed to grant any subject employing unit prior claims or rights to the amounts paid into the fund.

Section 341.540 of the Kentucky Revised Statutes is hereby repealed.

Section 341.550 of the Kentucky Revised Statutes is hereby repealed.

Section 341.560 of the Kentucky Revised Statutes is hereby repealed.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

§ 1. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulation of the commission. Claims for all payments of benefits shall be made in accordance with regulations of the commission.

(2) Benefits payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be at the benefit rate in Column "C" of Table "A" which appears on the same line with the "Base-Period Wages" or "Base-Year Wages" of the worker as shown in Column "B" of the same table.

(3) The maximum amount of benefits payable to any worker within any benefit year or benefit period shall be the amount in Column "D" of Table "A" which appears on the same line with the "Base-Period Wages" or "Base-Year Wages" of such worker as shown in Column "B" of the same table.

TABLE A

Wage Class	Base Period Wages or Base Year Wages	Benefit Rate	Maximum Amount
(A)	(B)	(C)	(D)
0	Less than — $ 200.00	$ 0.00	$ 0.00
1	200.00 — 344.99	7.00	140.00
2	335.00 — 434.99	8.00	160.00
3	435.00 — 534.99	9.00	180.00
4	535.00 — 639.99	10.00	200.00
5	640.00 — 749.99	12.00	240.00
6	750.00 — 864.99	13.00	260.00
7	865.00 — 984.99	15.00	300.00
8	985.00 — 1,114.99	16.00	320.00
9	1,115.00 — 1,254.99	17.00	340.00
10	1,255.00 — 1,414.99	18.00	360.00
11	1,415.00 — 1,594.99	19.00	380.00
12	1,595.00 — or over	20.00	400.00

§ 2. This Act shall become effective July 1, 1946.

Mr. J. Lee Moore moved that further consideration of said bill be postponed indefinitely.

Said motion was disagreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	J. C. Newcomb
Harold L. Barnes	J. J. Huff	Thos. A. Noe
F. H. Bassett, Jr.	Kerby Jennings	Louis T. Peniston
J. C. Bradley	L. H. Jones	L. W. Preston
Alex. H. Calvert	G. O. Kirkpatrick	Wade H. Riley
L. A. Demumbrun	Edgar Kitchen	J. W. Simmons
E. R. Denny	A. L. Love	Forrest Smith
G. I. Drury	Ed Marcum	Ray G. Tipton
Forest C. Easley	F. G. Marquette	E. N. Todd
Eck Embry	W. E. McClure	Harry F. Walters
A. H. Eversole	W. E. McPherron	Lyle H. Webb
Otto W. Goff	J. Lee Moore	W. W. Webster
C. L. Hammonds	Joe T. Morgan	Lawrence Wells
Harold G. Helm	Rodes K. Myers	John Wilborn

—42

Those who voted in the negative were—

C. W. Anderson	R. M. Hall	Sylvester Phillips
F. O. Baker	E. R. Hilton	Hobart Rayburn
Ott Begley	Maurice Howard	Kelse H. Risner
W. G. Biggers	Jerry F. Howell	Amos Runyan
B. J. Bonn	Ira W. Hulette	Luther Slusher
John Y. Brown	W. H. Hunt	E. A. Spencer
Mrs. Mary Burnett	Paul Jonas	Paul J. Stapleton
Chas. W. Burnley	B. F. Kincaid	Geo. W. Steinford
W. K. Coleman	Homer E. Losey	L. S. Stephens
S. J. Daugherty	H. K. Lowman	Ralph G. Stone
Adron Doran	E. H. Martin	Walter L. Trivette
Bernie S. Edlin	Harry L. Moore	S. J. Wagner
R. R. Ernst	Fred Morgan	Geo. J. Weining
Henry J. Giles	E. C. Mullins	Morris Weintraub
Tom Gilliam	Joe E. Nunn	Rodney Whitlow
M. B. Gilligan		

—46

Said substitute was then adopted.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same

being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Hobart Rayburn
F. O. Baker	Jerry F. Howell	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
W. G. Biggers	W. H. Hunt	Luther Slusher
B. J. Bonn	Paul Jonas	E. A. Spencer
John Y. Brown	B. F. Kincaid	Paul J. Stapleton
Mrs. Mary Burnett	Homer E. Losey	Geo. W. Steinford
Chas. W. Burnley	H. K. Lowman	L. S. Stephens
W. K. Coleman	E. H. Martin	Ralph G. Stone
Adron Doran	W. E. McClure	Walter L. Trivette
Bernie S. Edlin	Harry L. Moore	S. J. Wagner
Henry J. Giles	Fred Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Joe E. Nunn	Rodney Whitlow
Otto W. Goff	Sylvester Phillips	Mr. Speaker

—45

Those who voted in the negative were—

Roy W. Arnold	Clyde S. Howard	Thos. A. Noe
Harold L. Barnes	Kerby Jennings	Louis T. Peniston
F. H. Bassett, Jr.	L. H. Jones	L. W. Preston
J. C. Bradley	G. O. Kirkpatrick	Wade H. Riley
S. J. Daugherty	Edgar Kitchen	J. W. Simmons
L. A. Demumbrun	A. L. Love	Forrest Smith
E. R. Denny	Ed Marcum	Ray G. Tipton
G. I. Drury	F. G. Marquette	E. N. Todd
Forest C. Easley	Jack McPherron	Harry F. Walters
Eck Embry	J. Lee Moore	Lyle H. Webb
A. H. Eversole	Joe T. Morgan	W. W. Webster
R. M. Hall	Rodes K. Myers	Lawrence Wells
C. L. Hammonds	J. C. Newcomb	John Wilborn
Harold G. Helm		

—40

Resolved that the title thereof be as amended.

Mr. Hilton moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Lowman moved that the Rules of this House be suspended for the purpose of introducing a bill.

Said motion was agreed to.

Thereupon Mr. Lowman offered a bill of the following title, viz.:

H. B. 459. An Act regulating the strip mining of coal, making provision for the protection and benefit of the surface owner.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Strip mining" means mining of coal by uncovering therefrom the surface soil and other material above coal deposits.

(2) "Operator" means any person engaged in carrying on strip mining operations.

(3) "Pit" means a tract of land of which the surface soil has been removed from the coal seam in the process of strip mining.

§ 2. Before any operator may commence strip mining operations, under a lease or otherwise, upon land, the surface of which is owned by another person, the operator shall deposit with the owner of such surface the sum of twenty-five dollars for each acre upon which the operations are to be conducted, which sums shall guarantee that the operator, promptly upon the cessation of mining operations in any pit or pits upon the land, will replace all surface soil and other materials other than usable coal in the pit, so as to restore

the land as nearly as reasonably possible to the same surface condition that prevailed prior to the commencement of the strip mining operations, and which sums shall be forfeited to the owner in the event the surface is not so restored.

§ 3. Any lease or grant of mineral rights made before the effective date of this Act shall not be construed to authorize the lessee or grantee to conduct strip mining operations upon the land covered by the lease or grant without restoring the surface as provided in Section 2 of this Act, unless the lease or grant contains an express provision relieving the lessee or grantee of the obligation to restore the surface.

§ 4. The owner of the surface of land may, in writing, expressly waive his right to the deposit provided for in section 2 of this Act, in which event the deposit shall not be required.

By Mr. Ralph Stone.

H. Res. 97. Resolution authorizing the payment of a claim to the Kister Company.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to The Kister Company in the sum of $180.48 for materials furnished the Division of Engineers, Central State Hospital, Lakeland, Kentucky, for which funds are not otherwise available and further that the said claim is a just claim against the Commonwealth of Kentucky. The Director of Finance shall draw its warrant upon the State Treasurer of the Commonwealth of Kentucky in the sum of $180.48 and the Treasurer of the Commonwealth of Kentucky is directed to issue his check in the said amount payable to The Kister Company.

Mr. Steinford moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Steinford of the Committee on Charitable and Penal Institutions.

H. B. 159. An Act relating to workmen's compensation.

With a Committee amendment thereto.

By Mr. Myers of the Committee on Kentucky Statutes, to which the same had been recommitted.

H. B. 209. An Act relating to divorce.

With a Committee amendment thereto by way of Substitute therefor.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

Mr. Preston moved that the rules of this House be suspended for the purpose of extending the privilege of the floor.

Said motion was agreed to.

Thereupon, Mr. Preston moved that the privilege of the floor be extended to Messrs. Brents Dickinson, George Ganter, R. B. Read and V. R. Jones.

Said motion was agreed to.

Mr. Howell moved that the House do now recess until seven-thirty o'clock p. m.

Said motion was agreed to.

And then the House recessed.

The hour of seven-thirty o'clock p. m. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Howell moved that the House do now resolve itself into a Committee of the Whole House for the purpose of hearing proponents and opponents discuss the merits and demerits of S. B. 48, known as "The Moss Anti-T. V. A. Bill."

Said motion was agreed to.

Thereupon, the Speaker vacated the Chair and designated Mr. Weintraub as Chairman of the Committee of the Whole House.

After a time, the Speaker having been resumed the Chair, Mr. Weintraub of the Committee of the Whole House, reported that they had heard with interest the arguments of the following proponents of the bill:

Senator Ray B. Moss

Squire Ogden, Attorney of Kentucky Utilities

R. M. Watts, President of Kentucky Utilities

James Park, Attorney for Kentucky Utilities

and that they had also heard with interest the arguments of the following opponents of the bill:

Edward Prichard, Jr., Attorney, Paris, Kentucky

Thomas Griffin, Solicitor for T. V. A.

Leland Taylor, Mayor of Louisville

Joseph Betts, Director of Information, Kentucky Farm Bureau

Edward Wyler, Secretary of the American Federation of Labor

William Davis, Mayor of Glasgow

Philip Ardery, Attorney, Paris, Kentucky

Mr. J. Lee Moore moved that said bill be made a Special Order of the Day for tomorrow at two-fifteen o'clock p. m.

Mr. Myers moved that said bill be made a Special Order of the Day, for tomorrow at three o'clock p. m.

Said last named motion was disagreed to.

The motion as made by Mr. J. Lee Moore was then agreed to.

The Enrolling Clerk of this House delivered the original and enrolled copies of bills entitled:

H. B. 243. An Act to amend KRS relating to fire departments officials under civil service.

H. B. 114. An Act to change term of court in 12th Judicial District.

H. B. 87. An Act to repeal, KRS relating to subsequent injuries.

H. B. 20. An Act relating to police departments of cities of the second class.

Which were signed by the Speaker of the House on February 25,

Duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 27, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz:

C. W. Anderson	Adron Doran	W. H. Hunt
Roy W. Arnold	G. I. Drury	Kerby Jennings
Henry Arrowood	Forest C. Easley	Paul Jonas
Harold L. Barnes	Bernie S. Edlin	L. H. Jones
F. H. Bassett, Jr.	Eck Embry	B. F. Kincaid
Ott Begley	R. R. Ernst	G. O. Kirkpatrick
W. G. Biggers	A. H. Eversole	Edgar Kitchen
Jack Bingham	Henry J. Giles	Homer E. Losey
B. J. Bonn	Tom Gilliam	A. L. Love
J. C. Bradley	M. B. Gilligan	H. K. Lowman
B. K. Brantley	Otto W. Goff	E. J. Lucas
John Y. Brown	R. M. Hall	Ed Marcum
Mrs. Mary Burnett	C. L. Hammonds	F. G. Marquette
Chas. W. Burnley	Harold G. Helm	E. H. Martin
Alex. H. Calvert	E. R. Hilton	W. E. McClure
W. K. Coleman	Clyde S. Howard	Jack McPherron
Fred Creasey	Maurice Howard	Harry L. Moore
S. J. Daugherty	Jerry F. Howell	J. L. Moore
L. A. Demumbrun	J. J. Huff	J. Lee Moore
E. R. Denny	Ira W. Hulette	Fred Morgan

Joe T. Morgan	Amos Runyan	E. N. Todd
E. C. Mullins	J. W. Simmons	Walter L. Trivette
Rodes K. Myers	Luther Slusher	S. J. Wagner
J. C. Newcomb	Forrest Smith	Harry F. Walters
Thos. A. Noe	W. R. Smith	Lyle H. Webb
Joe E. Nunn	E. A. Spencer	W. W. Webster
Louis T. Peniston	Paul J. Stapleton	Geo. J. Weining
Sylvester Phillips	Geo. W. Steinford	Morris Weintraub
L. W. Preston	L. S. Stephens	Lawrence Wells
E. F. Prichard	Ralph G. Stone	Rodney Whitlow
Hobart Rayburn	C. W. Taylor	John Wilborn
Wade H. Riley	E. L. Thompson	Mr. Speaker
Kelse H. Risner	Ray G. Tipton	—98

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Stapleton moved that the privilege of the floor be extended to Mr. George J. Kaufman.

Said motion was agreed to.

Mr. Trivette moved that the privilege of the floor be extended to William E. Justice.

Said motion was agreed to.

Mr. Gilliam moved that the privilege of the floor be extended to Mayor Glen Lonven and E. C. Akin.

Said motion was agreed to.

Mr. Hilton moved that the privilege of the floor be extended to Superintendent E. B. Whalin.

Said motion was agreed to.

Mr. Bassett moved that the privilege of the floor be extended to Messrs. Roy Nichols and Noah P. Greer.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 14. An Act making it an offense to board or lodge children under the age of sixteen, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(Sec. 1). No person or persons shall board or lodge children under the age of sixteen years, or in any manner conduct a boarding home or boarding house for children under the age of sixteen years, unless authorized and empowered so to do, in writing, by the Health Officer of the county in which such boarding home or boarding house is conducted. Before authorizing or empowering any person or persons to board or lodge children under the age of sixteen years, or in any manner to conduct a boarding house or boarding home for such children, the Health Officer to whom an application is made for such authority or power shall make or cause to be made, an investigation to determine whether such person or persons have made suitable, sanitary and satisfactory arrangements for the health, welfare and education of such children. When such authority and power have been granted by a Health Officer the same may be revoked at any time, in the discretion of said Health Officer, when he shall determine that arrangements for the health, welfare or education of the children boarded or lodged in such boarding home or boarding house are unsuitable or unsatisfactory, and in no event shall such authority and power be effective for a longer period than one year following the granting of same. Whenever the Health Officer of any county shall be notified by the Juvenile Court of such county, or notified by the probation officer thereof, that the person or persons operating a boarding home or boarding house for children under the age of sixteen years are not making suitable and satisfactory arrangements for the health, welfare or education of the children being boarded

or lodged therein, he shall make or cause to be made an investigation to determine whether or not the power or authority of such person or persons to operate such home shall be revoked.

(Sec. 2) Every person who boards or lodges children under the age of sixteen years or conducts a boarding house or boarding home for children, shall keep a book, securely bound, in which shall be entered the name, sex and race of every child boarded or lodged in the house or home conducted by him or her, together with the names and postoffice addresses of the parents of such child, the date such child was placed in such house or home, the date of such child's birth and the amount charged each week or month as compensation for boarding or lodging such child. Such facts shall be entered in said book at the time said child is placed in said house or home and shall be signed by the person or persons placing said child therein before leaving the premises upon which said house or home is conducted. Such book shall always be available for inspection by the Health Officer of the county in which said house or home is situated, or the Judge of the Juvenile Court of said county, or any probation officer of said Court. Failure to comply with the provisions of this section shall constitute an offense, punishable as hereinafter provided.

(Sec. 3) Whenever the County Judge of any county, in his discretion, deems it necessary that a non-resident of Kentucky shall satisfy him that a non-resident child placed by such non-resident in a boarding house or boarding home in this commonwealth, shall never become a charge upon the commonwealth or any subdivision thereof, he may require that the proper public authorities of the state or county in which such non-resident child resides, furnish security, to his satisfaction, that they will assume the care and custody of such child in the event such child become a charge upon this commonwealth or any subdivision thereof. When such security is demanded by any County Judge, it shall constitute an offense to accept any child for boarding or lodging without furnishing such security. Whenever any County Judge shall enter an order that such security shall be furnished for all

non-resident children boarded or lodged in his county, no child shall thereafter be accepted for boarding or lodging in said county until such security is furnished.

(Sec. 4) Nothing in this Act shall be construed to affect religious or fraternal organizations conducting orphanages, or orphanages under the direction of a regularly established Board of Directors, or schools, colleges or other institutions of learning, or persons caring and providing for children related to them by blood or marriage, or persons or organizations conducting day nurseries, without charge, for children, during the hours between six o'clock A. M. and nine o'clock P. M.

(Sec. 5) Any person violating any of the provisions of this Act shall be guilty of an offense and upon conviction thereof, shall be fined not more than Five Hundred Dollars or imprisoned for not more than twelve months, or be both fined and imprisoned, in the discretion of the court.

S. B. 114. An Act relating to purchases by the boards of education within the Commonwealth of Kentucky from the U. S. of America, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The provisions of KRS 162.070 shall not apply to purchases made by the boards of education within the Commonwealth of Kentucky from the United States of America, or any agency thereof.

(2) WHEREAS, the United States of America and its agencies are now offering for sale goods and supplies needed immediately by the boards of education within the Commonwealth of Kentucky, and for which goods and supplies said United States of America will not receive bids, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

S. B. 144. An Act providing for county cooperation in the control of forest fires.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. County governing bodies may elect to cooperate with the Division of Forestry in the county-wide control of forest fires, and share in the expense of establishment and operation of forest fire protection, forest fire detection, prevention and suppression. When forest fire control is established in any county under the terms of this act, then Sections 149.110 and 149.120 of the Kentucky Revised Statutes shall not apply to timberland owners in that county.

2. When a county governing body has elected to cooperate with the Division of Forestry, and has officially notified the Division of Forestry in writing, the Division may establish the organization facilities necessary for adequate county-wide forest fire protection in such county.

3. When any forest warden sees or there is reported to him a forest fire, in a county which has elected to cooperate with the Division of Forestry under this Act, he shall repair immediately to the scene of the fire and employ such persons and means as, in his judgment, are expedient and necessary to extinguish the fire, within the limits of the expense he has been authorized to incur in his instructions from the Director of the Division of Forestry. He shall keep an itemized account of all expenses thus incurred and immediately send the account verified by affidavit to the Director of the Division of Forestry for examination. Upon approval by the Director of the Division of Forestry, the account shall be paid from such fund or funds as are available to the Division for such purpose. No payments shall be made to any person who has intentionally started the fire or to any person whose negligence caused or contributed to the setting of the fire.

4. No action for tresspass shall lie against the Director of the Division of forestry, or any agent or employee of the Division of Forestry, or any forest warden on account of lawful acts done in legal performance of their duties.

5. Whenever possible, the Director of the Division of Forestry shall collect the costs of fire fighting done under the direction of the forest warden in accordance with the provisions of this act and approved as provided in this act, from

the person responsible for the origin of the fire by his negligence or intent, and shall return any costs so collected to the State Treasury for credit to the special fund provided for in Section 6 of this act, and such amounts shall be repaid to the county in which the costs were incurred, but not exceeding the payments made by that county in the fiscal year in which such costs were accrued, and the Commonwealth's Attorney of the county in which the fire occurred shall institute and prosecute the necessary proceedings.

6. Each county that has elected to cooperate with the Division of Forestry shall, upon presentation to its governing body of an itemized statement duly certified by the Director of the Division of Forestry, repay into the Division of Forestry monthly beginning July first, 1946, any amounts expended in the preceding month by the Kentucky Division of Forestry in such county for forest fire protection, forest fire detection, prevention and suppression, not exceeding in any one year an amount measured by the acreage, computed upon the basis of one cent an acre, of privately-owned forests in the county, according to the United States Forest Reappraisal Study of 1945 subject to additions and deductions of acreage since the making of this study. In any additions or deductions of acreage from that given by this study, any land shall be considered as forest land if it conforms to the definition of "timberland" provided in KRS 149.100. The amounts so repaid by the counties into the Division of Forestry from time to time shall be paid into the State Treasury and shall be credited to a special fund for forest fire protection, forest fire detection, prevention and suppression, and, with such other funds as may be appropriated by the General Assembly, or contributed by the United States or any governmental or private agency for these purposes, shall be used and disbursed by the Division of Forestry for such purpose.

S. B. 145. An Act relating to forest fire protection.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 149.100, KRS 1944, is amended to read as follows:

149.100 (2007j-4a-4; 2007j-4a-5) CONSTRUCTION OF KRS 149.110 and 149.120 (1) "Timberland" as used in KRS 149.110 and 149.120 means any land which has enough timber or woody brush, standing or down, to constitute, in the judgment of the Division of Forestry, a fire menace to itself or adjoining lands, but does not include lands under cultivation or entirely in grass, nor land that is an isolated fire risk unless a forest fire on it would imperil the lands of an adjoining landowner.

(2) Nothing in KRS 149.110 and 149.120 shall relieve the owner, lessee or user of any land from civil liability for damages resulting from any fire for which he, his agents or employees are responsible.

(3) "Owner" as used in KRS 149.110 and 149.120 means owner in fee simple except where the rights to cut or use timber on any timberland are leased, in which case the lessee shall be considered the owner for the duration of his lease, for the purposes of this law.

2. Section 149.110, KRS 1944 is amended to read as follows:

149.110 (2007j-4a; 2007j-4a-2; 2007j-4a-3) OWNER OF LAND TO PROVIDE FOREST FIRE PATROL.

(1) During the seasons of the year when there is danger of forest fires, every owner of timberland shall provide a sufficient forest fire patrol, meeting with the approval of the Division of Forestry, or in lieu thereof pay into the Division of Forestry, at such time as is specified by the Division, one cent per acre per year for each acre of timberland of which he is the owner to help finance patrol by the Division of Forestry.

(2) Actual bona fide residence by the owner or lessor on one hundred acres or less shall constitute adequate protection for the tract, but such residence shall not relieve the owner, his agents or employees from responsibility for the control and suppression of fires occurring on the tracts, nor entitle the owner to compensation from the Division of Forestry for the time spent by him, his agents or employees in

controlling or surpressing any fire that threatens or occurs thereon.

(3) The degree of protection required on one tract of land shall not exceed that required on adjoining tracts in the same protective unit.

3. Section 149.120, KRS 1944, is amended to read as follows:

149.120; (2007j-4a-1) PATROL BY STATE: LIABILITY OF OWNER.

(1) If an owner of timberland, who has elected to provide a sufficient forest fire patrol, fails to properly patrol it, the Division of Forestry may have it patrolled and charge the cost of the patrol against the owner, but the aggregate amount so charged shall not exceed one cent per acre per year. All moneys collected from owners of forest lands, either by suit or voluntary payment, shall be paid into the State Treasury.

(2) Subsection (1) shall not apply to members contributing to fire protective associations of the state.

S. Res. 21. A Joint Resolution authorizing Red Buckhart to file suit against the Commonwealth.

Said bill is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Bud Burkhart is authorized to bring suit in the Harlan Circuit Court against the Commonwealth of Kentucky and/or the State Highway Commission for such damages as he may have sustained, not to exceed the sum of twelve hundred and fifty ($1250.00) dollars, by reason of the negligent maintenance of said highway by the State Highway Commission, and in the event any judgment is recovered by the said Bud Burkhart in said suit, the same shall be paid by the Treasurer of the Commonwealth of Kentucky out of the Highway Fund on warrant from the Commissioner of Finance. The said Bud Burkhart, and the said Commission and/or the Commonwealth of Kentucky, shall have the right to appeal, and the said case shall be tried in the manner and

form provided by the Statutes and Code of the Commonwealth of Kentucky.

S. Res. 22. Joint Resolution authorizing the Renfro Supply Company of Williamsburg, to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Renfro Supply Company, of Williamsburg, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Whitley County Circuit Court for the recovery of such sums as it may have paid, directly or indirectly, as Kentucky excise tax on gasoline exported from Kentucky and therefore not properly subject to such tax. Said suit shall be for a sum not in excess of $874.40.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for the refund of tax on gasoline paid by the said Renfro Supply Company, to the extent of $874.40.

S. Res. 24. Resolution authorizing J. T. Eads to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. T. Eads be and he is authorized to sue the Commonwealth of Kentucky in the Fayette Circuit Court for damages resulting from injuries to his automobile, caused by alleged negligence on the part of the employee of the Com-

monwealth of Kentucky while said employee was in the line of duty as agent of the Commonwealth. Said suit shall be for a sum not in excess of Four Hundred Fifty Dollars ($450.00).

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

S. Res. 25. Resolution authorizing Mrs. Laura Whittaker and Charlie Duff to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Laura Whittaker and Charlie Duff are authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the Perry Circuit Court for damages resulting from injury caused to lands owned by them and located in Perry County, Kentucky, caused by negligence and wrongful acts upon the part of the Commonwealth of Kentucky and the Department of Highways of Kentucky, while their employes were building, constructing and maintaining a State Highway extending from Chavies, Perry County, up Grapevine Creek in said county.

Said suit or suits shall not be for a sum in excess of $500.00 on the part of Mrs. Laura Whittaker nor for a sum in excess of $500.00 upon the part of Charlie Duff.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Highway Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence or wrong doing upon the part of the Commonwealth or its Department of Highways, and this resolution shall not be introduced as evidence nor commented upon by council in argument to the jury.

S. Res. 28. Resolution authorizing H. R. Dysard to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. R. Dysard is authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. Res. 34. Resolution authorizing Gayle Everman to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Gayle Everman is authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $136.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or Jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. 37. Resolution authorizing payment of claims against the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

It appearing that the Commonwealth of Kentucky is indebted to the hereinafter named persons, in the amount set forth opposite their names and for the reasons there indicated, and it further appearing said claims are just claims against the Commonwealth of Kentucky, the Commissioner

of Finance is hereby authorized and directed to pay said claims, when presented, and the statute of limitations as now provided by law shall not be a bar to their payment, and the amount necessary to pay said claims is here appropriated out of the General Fund for that purpose.

NAME	ADDRESS	AMOUNT	REASON
Roy McIntosh	Jackson, Ky.	$37.50	Pauper claim
Arlie Bush	Jackson, Ky.	$ 2.00	Witness claim
Elihu Allen	Jackson, Ky.	$ 9.40	Witness claim

S. Res. 38. Resolution appropriating from the General Fund the sums of $10.25 and $74.06 to pay claims for services by Charles C. Waggoner.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there is hereby appropriated from the General Fund the sum of Ten Dollars and Twenty-five Cents ($10.25) payable to Charles C. Waggoner for services rendered as Sheriff of Graves County in apprehending, arresting, and delivering B. Adams to the Graves Circuit Court from Dresden, Tennessee, upon a charge of obtaining money under false pretense, a felony, the said B. Adams being at said time a fugitive from justice, the services rendered in connection herewith being under requisition of the Commonwealth.

2. That there is further appropriated from the General Fund the sum of Seventy-four Dollars and Six Cents ($74.06), payable to Charles C. Waggoner for his services rendered as Sheriff of Graves County in apprehending, arresting, and delivering Leon (Bill) Higgs to the Graves Circuit Court from Chicago, Illinois, upon a charge of involuntary manslaughter, a felony, the said Higgs being at said time a fugitive from justice, the services rendered in connection herewith being under requisition of the Commonwealth.

Ordered that said bills and resolutions be printed and referred.

And that they had passed bills and resolutions which originated in this House entitled:

H. B. 74. An Act pertaining to compensation of jury Commissioners, and amending Sec. 29.060 KRS.

H. B. 75. An Act pertaining to jury commissioners; appointment; qualifications, vacancies; session; meetings secret; typist, compensation; amending Sec. 29.050 KRS.

H. B. 107. An Act relating to city officials.

H. B. 110. An Act relating to powers of attendance officers.

H. B. 117. An Act making provision for an Advisory Commission for the coordination of services for the blind.

H. B. 178. An Act providing that the Clerk of the Court in which an inquest proceedings is held for the adjudication or restoration of an idiot, feeble-minded, epileptic or insane person, or a person incompetent to manage his estate, shall file an attested copy of the judgment of said court in the office of the County Clerk and requiring the County Clerk to index the same and fixing penalties therefor.

H. Res. 15. Joint Resolution authorizing E. S. Hicks, Fulton, Kentucky to sue the Commonwealth.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

And that they had passed the following resolutions which originated in this House, entitled:

H. Res. 18. Resolution authorizing Lena Ruth Clemons, an infant, by her father, to sue the Commonwealth.

With an Amendment thereto as proposed by the Senate.

H. Res. 17. Resolution authorizing Viola Whitlow to sue the Commonwealth.

With an Amendment thereto as proposed by the Senate.

Ordered that said last two named resolutions be laid on the Clerk's desk.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Tipton.

H. B. 460. An Act appropriating money out of the General Expenditure Fund in the State Treasury, for the Fiscal year ending June 30, 1946, for the purpose of paying certain claims which have been duly audited and approved according to law, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury, for the Fiscal year ending June 30, 1946, to the following named departments of the state government, for the purpose of compensating the following named persons for claims which have been duly audited and approved according to law but which have not been paid because of the lapsing of former appropriations against which such claims were chargeable, the sums hereinafter specified:

1. To the Department of Finance, to pay the claims of:

Hillenmeyer Nurseries, Lexington, Kentucky $99.00
Powell County Bank, Stanton, Kentucky $16.96

2. To the Governor, to pay the claim of the Wick Narrow Fabric Company of Philadelphia, Pa. $43.69

3. To the Department of Revenue, to pay the claim of:

Russell Dyche, London, Kentucky $10.00
Herbert Shaffer, Cincinnati, Ohio $39.84
The Crittenden Press, Marion, Kentucky $179.50

4. To the Department of Welfare, to pay the claims of:

The Oldham Era, LaGrange, Kentucky .....$ 4.20

Aubrey & Co.	$1,060.20
Westinghouse Electric & Mfg. Co.	125.00
Lexington Water Co.	150.00
Roy C. Whane Supply Co.	28.32
Louisville General Hospital	10.50
Jett Coal & Supply Co.	163.20
Frankfort Ice & Coal Co.	56.70
Huey Motor Express	40.83
Lexington Telephone Co.	109.07
Standard Motor Co.	40.95
Samuel Glenn & Son	37.79
Highway Bridges Refunding Bond Sinking Fund Account	11.50
Cash Neal	52.20
Ted L. Gearhart	56.40
L. C. Pinkston	3.30
L. S. Mathews & Co.	4.00
Byck's Bros. & Co.	3.25
The Kirster Co.	181.48
The Conner Mfg. Co.	94.89
Simplex Time Recorder Company	22.28

WHEREAS, the persons above named have in good faith furnished services, supplies and materials and merchandise and the Commonwealth has received the benefit of the same, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Kitchen.

H. B. 461. An act relating to Alcoholic Beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the statutes is created, to be numbered KRS 244.085 and to read as follows:

(1) No person under the age of twenty-one years shall enter any premises licensed for the sale of alcoholic bever-

ages at retail for the purpose of purchasing or having served or delivered to him, any alcoholic beverages.

(2) No person under the age of twenty-one years shall purchase or attempt to purchase or have another person purchase, procure or obtain for him, any alcoholic beverages at any premises licensed for the sale of alcoholic beverage at retail.

(3) No person under the age of twenty-one shall misrepresent his age for the purpose of inducing any retail licensee of alcoholic beverages, or any employe of such licensee, to sell or serve any alcoholic beverages to him.

(4) No person shall purchase or procure for, or give or deliver to, a person under the age of twenty-one years, any alcoholic beverages.

(5) Every retail licensee shall display at all times, in a prominent place in the licensed premises, a printed card reading as follows:

"WARNING TO MINORS

You are subject to fine or imprisonment, or both, under the laws of Kentucky, if you enter premises where alcoholic beverages are sold, to purchase alcoholic beverages, or if you purchase alcoholic beverages, or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages."

(6) Any person who violates any provision of this section shall be subject to the penalties prescribed in subsection (1) of KRS 244.990.

By Mr. Bonn, and Coleman.

H. B. 462. An act relating to alcoholic beverages.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The introductory paragraph and subsection (5) of section 242.010 of the Kentucky Revised Statutes are amended to read as follows:

As used in this chapter, unless the context requires otherwise:

* * *

(5) "Territory" means a county.

§ 2. Section 242.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The date of the election may be stated in the petition for election. If the date is not stated, it shall be designated by the county court.

(2) The election shall be held not earlier than sixty nor later than ninety days after the date the petition is filed with the county clerk.

(3) The election shall not be held on the same day that a primary or general election is held in the territory or any part of the territory, nor within thirty days next preceding or following a regular political election.

(4) No election shall be held in the same territory sooner than two years from the time of a previous election.

§ 3. Section 242.040 of the Kentucky Revised Statutes is amended to read as follows:

Within five days after the county court orders an election, the county clerk shall give to the sheriff a certified copy of the order. The sheriff shall have the order published for at least two weeks before the election in a weekly or daily newspaper published in the county. The sheriff shall also advertise the order by written or printed handbills posted at not less than five conspicuous places in each precinct of the county for two weeks before the election. If no daily or weekly newspaper is published in the county, or the proprietor of the newspaper fails to publish the advertisement, the printed or written handbills posted as provided in this section shall be sufficient. The sheriff shall report in writing to the county court that the notices have been published and posted.

§ 4. Section 242.050 of the Kentucky Revised Statutes is amended to read as follows:

The proposition to be voted upon shall be stated on the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes," and one for votes opposing it, to be designated by the word "No." The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." In any election the form of the proposition shall be, "Are you in favor of the sale of alcoholic beverages in [name of county]?"

§ 5. Section 342.210 of the Kentucky Revised Statutes is amended to read as follows:

When an election is held in a territory, and the majority of the votes cast at the election are for prohibition, KRS 242.210 to 242.430 shall be applicable to every portion of the territory. When an election is held in a territory, and the majority of the votes cast at the election are against prohibition, KRS 242.210 to 242.430 shall not be applicable in any portion of the territory.

By Mr. Myers.

H. B. 463. An act relating to traps.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) Instant-killing traps shall be set within a burrow or hole, so as not to injure domestic animals.

(2) No person shall set traps on the land of another person without written permission from the owner of the land.

(3) Each person who sets a trap must visit it at least once in each twenty-four hours and release any animal found therein.

By Mr. Denney.

H. B. 464. An act relating to the administration of the Alcoholic Beverage Control and Local Option Laws.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 244.190 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"Any peace officer, state administrators and field representatives of the department may upon probable cause, without warrant seize contraband regardless of whether it is in dry territory or not, and hold it subject to the order of the court before which the owner or one in possession of the contraband has been charged with violation of KRS Chapter 242 or KRS 243.020. Field representatives of the Department of Revenue may, without warrent, seize contraband as declared in KRS 244.180 subsection (4) regardless of whether it is in dry territory or not and deliver it, together with a sworn report on the seizure, to the Alcoholic Beverage Control Board or its agent. Upon conviction of the defendant, the court shall enter an order vesting title to all the contraband property in the board. If the property is seized in dry territory, title shall vest in the board only if the property was seized by the state administrators or field representatives of the department, or was released to the department by other officials.

Subsection (1) of section 241.020 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The department shall administer statutes relating to, and regulate traffic in, alcoholic beverages, except that the collection of taxes shall be administered by the Department of Revenue."

By Mr. Denney.

H. B. 465. An act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 131.110 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) (a) The Department of Revenue or its agents shall mail to the taxpayer a notice of any tax assessed by it or its agent. Unless the taxpayer protests the assessment in the manner provided in this paragraph, the assessment shall be final at the expiration of thirty days from the date of notice, but the assessment shall be reviewable as provided in paragraph (b) of this subsection. The protest shall be filed with the Department of Revenue and shall be in writing and shall be accompanied by a supporting statement setting forth the grounds for and information upon which the protest is made. Upon written request, the department may extend the time for filing the supporting statement if it appears that the delay is necessary and unavoidable. A refusal of such an extension may be reviewed in the same manner as in the case of a protested assessment. At the time of filing both the protest and supporting statement, the taxpayer may request a ruling on his protest as filed or may request a conference with the department or its agent which shall be granted in writing stating the time set for the conference. The taxpayer may appear in person or by representative. After considering the taxpayer's protest, including any matters presented at a conference, the department, or its agent shall issue a final ruling thereon which shall be mailed to the taxpayer. The tax shall be due and payable upon the date the assessment becomes final unless the taxpayer petitions the Kentucky Tax Commission for a review thereof under paragraph (b) of this subsection.

"(b) Within fifteen days after an unprotested assessment by the Department of Revenue has become final; or within fifteen days from the date of notice of a final ruling by the Department of Revenue on a protested assessment, or within fifteen days from the date of notice of any final ruling order or finding the Department of Revenue,

the taxpayer may petition the Kentucky Tax Commission for a review of the final action of the department or of the assessment. The petition shall be filed in quadruplicate and shall in a concise manner state the issue involved, the facts, the basis of the taxpayer's contention and, if desired, a request for a formal or informal hearing. A copy of the final decision of the commission shall be mailed to the taxpayer after it has considered all of the evidence and facts presented. If the commission reviews an assessment, the taxes determined to be owing shall be due and payable thirty days after the date of notice of the decision of the commission."

Section 2. (1) Unless otherwise specifically provided by law, no appeal from or review of any tax assessment, ruling, order or finding of the Department of Revenue or of the Kentucky Tax Commission shall be allowed except in the manner and subject to the conditions as provided in KRS 131.110 and 131.120.

(2) A refusal by the Department of Revenue to refund any tax may be reviewed only in the manner and subject to the conditions as provided in KRS 131.110 and 131.120.

Section 3. Section 133.160 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"When it is contemplated by the Kentucky Tax Commission that it will be necessary to raise the assessed valuation of property in any county, it shall give notice of the contemplated action to the county court, the superintendent of any school district affected by such action, the mayor of any city which is affected and which has adopted the assessment, and to the taxpayers of that county through the county judge, who shall post the notice sent him on the courthouse door and certify to the Department of Revenue that this has been done, and it shall fix a time and place for a hearing which may be in Frankfort or any convenient place in or nearer the county seat. If the property of an individual owner is singled out for an increase, the owner shall be notified by the Department of Revenue by registered mail. The increase of an assessment of property of an individual owner may be reviewed or appealed from only in the manner

provided in KRS 131.110 subsection (2) and 131.120."

Section 4. Section 140.200 of the Kentucky Revised Statutes, 1944 edition, is repealed.

By Mr. Denney.

H. B. 466. An act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "adjusted gross income" means the gross income:

(1) Minus, (a) The deductions allowed by KRS 141.080 which are atrtibutable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employe;

(b) The deductions allowed by KRS 141.080 which consist of expenses of travel, meals and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employe;

(c) The deductions allowed by KRS 141.080 (other than expenses of travel, meals and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employe, under a reimbursement or other expense allowance arrangement with his employer;

(d) The deductions (other than those provided in paragraph (a), (e) or (f) allowed by KRS 141.080 which are attributable to property held for the production of rents or royalties;

(e) The deductions (other than those provided in paragraph (a)) for the depreciation and depletion allowable to a life tenant of property or to an income beneficiary of property held in trust; and

(f) The deductions (other than those provided in paragraph (a)) allowed by KRS 141.100 as losses from the sale or exchange of property;

(2) And minus, the amount of Federal income tax paid by the taxpayer during the taxable year for which the return is filed.

Section 2. As used in this Act, "compensation for personal services" means compensation for services performed by an employe for his employer.

Section 3. (1) With respect to taxable years beginning after December 31, 1945, any individual whose adjudged gross income for the taxable year for which the return is filed does not exceed five thousand dollars may elect to pay the tax as shown in the following table less the tax credits as authorized by KRS 141.060:

OPTIONAL TAX TABLE

If Income Subject to Tax is Over	But Not Over	The Tax Shall Be	If Income Subject to Tax is Over	But Not Over	The Tax Shall Be
$ 0	$ 50	$ .45	$2,500	$2,550	$ 45.45
50	100	1.35	2,550	2,600	46.35
100	150	2.25	2,600	2,650	47.25
150	200	3.15	2,650	2,700	48.15
200	250	4.05	2,700	2,750	49.05
250	300	4.95	2,750	2,800	49.95
300	350	5.85	2,800	2,850	50.85
350	400	6.75	2,850	2,900	51.75
400	450	7.65	2,900	2,950	52.65
450	500	8.55	2,950	3,000	53.55
500	550	9.45	3,000	3,050	54.45
550	600	10.35	3,050	3,100	55.35
600	650	11.25	3,100	3,150	56.25
650	700	12.15	3,150	3,200	57.15
700	750	13.05	3,200	3,250	58.05
750	800	13.95	3,250	3,300	58.95
800	850	14.85	3,300	3,350	59.85
850	900	15.75	3,350	3,400	61.13
900	950	16.65	3,400	3,450	62.48

If Income Subject to Tax is Over	But Not Over	The Tax Shall Be	If Income Subject to Tax is Over	But Not Over	The Tax Shall Be
950	1,000	17.55	3,450	3,500	63.83
1,000	1,050	18.45	3,500	3,550	65.18
1,050	1,100	19.35	3,500	3,600	66.53
1,100	1,150	20.25	3,600	3,650	67.88
1,150	1,200	21.15	3,650	3,700	69.23
1,200	1,250	22.05	3,700	3,750	70.58
1,250	1,300	22.95	3,750	3,800	71.93
1,300	1,350	23.85	3,800	3,850	73.28
1,350	1,400	24.75	3,850	3,900	74.63
1,400	1,450	25.65	3,900	3,950	75.98
1,450	1,500	26.55	3,950	4,000	77.33
1,500	1,550	27.45	4,000	4,050	78.68
1,550	1,600	28.35	4,050	4,100	80.03
1,600	1,650	29.25	4,100	4,150	81.38
1,650	1,700	30.15	4,150	4,200	82.73
1,700	1,750	31.05	4,200	4,250	84.08
1,750	1,800	31.95	4,250	4,300	85.43
1,800	1,850	32.85	4,300	4,350	86.78
1,850	1,900	33.75	4,350	4,400	88.13
1,900	1,950	34.65	4,400	4,450	89.48
1,950	2,000	35.55	4,450	4,500	91.10
2,000	2,050	36.45	4,500	4,550	92.90
2,050	2,100	37.35	4,550	4,600	94.70
2,100	2,150	38.25	4,600	4,650	96.50
2,150	2,200	39.15	4,650	4,700	98.30
2,200	2,250	40.05	4,700	4,750	100.10
2,250	2,300	40.95	4,750	4,800	101.90
2,300	2,350	41.85	4,800	4,850	103.70
2,350	2,400	42.75	4,850	4,900	105.50
2,400	2,450	43.65	4,900	4,950	107.30
2,450	2,500	44.55	4,950	5,000	109.10

(2) A husband and wife living together, whose aggregate adjusted gross income does not exced five thousand dol-

lars, may elect to make either a joint return or separate returns and pay the tax as provided by this section; but if either spouse elects to make a separate return and pay the tax imposed by KRS 141.020, the other shall be required to also pay the tax imposed by KRS 141.020.

(3) This section shall not apply to an estate or trust, an individual filing a return for a period of less than twelve months on account of change in the accounting period, or to a married individual whose spouse files a return at any time during the taxable year, and computes the tax without regard to this section.

Section 4. Section 141.060 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of section three of this Act shall be credited with the following amounts:

"(a) Twenty dollars, in the case of an unmarried individual;

"(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family. If such husband and wife make separate returns the tax credit, allowed by this subsection, may be taken by either or divided between them;

"(c) Ten dollars, for each person, other than husband or wife, dependent upon and receiving more than fifty per-cent of his support from the taxpayer during the taxable year for which the return is filed, if the dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

"(2) If the status of a taxpayer, insofar as it affects the credits allowed under subsection (1) of this section, shall change during the taxable year, the tax credit shall be determined in accordance with the status maintained for a period of six months or more during the taxable year.

"(3) In the case of nonresidents and of residents who receive credits on account of income taxes paid in other

states, the tax deductions allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under section three of this Act, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income from all sources."

Section 5. Section 141.180 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Every individual having for the taxable year a net income of one thousand dollars or over or a gross income of fifteen hundred dollars or over, if single, or if married and not living with husband or wife; and every individual having for the taxable year a net income of twenty-five hundred dollars or over or a gross income of three thousand dollars or over, if married and living with husband or wife, shall make to the Department of Revenue a return stating specifically the items of his entire income and the items which he claims as deductions and tax credits allowed by this chapter. If the individual is unable to make his own return, the return shall be made by a duly authorized agent.

"(2) A husband and wife not living together shall make separate returns. A husband and wife living together may make a joint return, or may make separate returns.

"(3) An optional return properly filed under the provisions of section three of this Act shall be deemed sufficient to satisfy the provisions of this section.

"(4) Each individual return shall be verified by a written declaration that it is made under the penalties of perjury."

Section 6. Subsection (1) of section 141.020 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows

"(1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire

net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

"(a) Two percent of the amount of net income not exceeding three thousand dollars.

"(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

"(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars."

"(d) Five percent of the amount of net income in excess of five thousand dollars."

Section 7. (1) An individual, at his election, may deduct a standard deduction as follows:

(a) If his adjusted gross income is five thousand dollars or more, the standard deduction shall be five hundred dollars.

(b) If his adjusted gross income is less than five thousand dollars, the standard deduction shall be the amount as allowed by the application of the optional tax table contained in section three of this Act.

(2) The standard deduction provided for in this section shall be in lieu of all deductions other than those which under section one of this Act are to be subtracted from gross income in computing adjusted gross income.

Section 8. (1) If the adjusted gross income shown on the return is five thousand dollars or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the Department of Revenue shall by regulations prescribe the manner of signifying such election in the return.

(2) If the adjusted gross income shown on the return is less than five thousand dollars, the standard deduction shall be allowed only if the taxpayer elects in the manner pre-

scribed in section three of this Act to pay the tax imposed by that section.

(3) If the taxpayer does not signify, in the manner prescribed by subsection (1) and (2) of this section, his election to take the standard deduction, it shall not be allowed. If he does so signify, such election shall be irrevocable for that taxable year.

(4) If the adjusted gross income shown on the return is five thousand dollars or more, but the correct adjusted gross income is less than five thousand dollars, then an election by the taxpayer under subsection (1) of this section to take a standard deduction shall be considered as an election to pay the tax imposed by section three of this Act; and his failure to make, under subsection (1) of this section, an election to take the standard deduction shall be considered his election not to pay the tax imposed by section three of this Act. If the adjusted gross income shown on the return is less than five thousand dollars but the correct adjusted gross income is five thousand dollars or more, then an election by the taxpayer under subsection (2) of this section to pay the tax imposed by section three of this Act shall be considered as his election to take the standard deduction; and his failure to elect, under subsection (2) of this section, to pay the tax imposed by section three of this Act shall be considered his election not to take the standard deduction.

Section 9. In the case of a husband and wife living together, the standard deduction provided for in section seven of this Act shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this section only, the determination of whether an individual is married and living with his spouse shall be made as of the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of such spouse's death.

Section 10. The standard deduction provided for by section seven of this Act shall not be allowed in the case of a taxable year of less than twelve months on account of a

change in the accounting period or in the case of an estate or trust.

Section 11. (1) It is the purpose of this Act to permit the filing of simplified tax returns by individuals.

(2) The Department of Revenue shall prescribe an optional form, either separate from or combined with the regular individual income tax return form, whereby any individual whose income consists wholly of compensation for personal services, as defined in this Act (except that the individual may include income from dividends, interest and annuities provided his total income from those three sources does not exceed one hundred dollars for the taxable year) and whose adjusted gross income does not exceed five thousand dollars may report his income and compute his tax from the tax table contained in section three of this Act.

(3) The Department of Revenue shall also prescribe forms, either separate from or combined with the regular individual income tax return form, whereby individuals, whose income is other than that described in subsection (2) of this section and who are eligible to do so, may elect to pay the tax as imposed by section three of this Act or may elect to take the standard deduction authorized by section seven of this Act.

(3) The Department of Revenue is authorized to prescribe any additional forms and to make rules and regulations for the application and administration of this Act.

Section 12. It is the declared intention of the General Assembly that this Act is enacted as a whole. If any material part of this Act shall be declared unconstitutional, so as to prevent the accomplishment of the purpose of this Act, then this entire Act shall be void and Chapter 141 of the Kentucky Revised Statutes shall remain in effect as though the amendments contained in this Act were never enacted.

By Mr. Denney.

H. B. 467. An act relating to the assessment and registration of motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.230 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Every person listing his property with the county tax commissioner shall state:

"(a) Each separate tract of land, with the number of acres in each tract; the price per acre; the improvements thereon; the name of the nearest resident thereto; where located, giving the election precinct in which it is located; the number of each city lot and the improvements thereon, in what city, on which street, the value of each, and the value of the improvements thereon to the extent that they enhance the value of each lot;

"(b) Whether there is any land adjoining his owned by a nonresident of the county or state, giving the name and place of residence of any such owner, if known;

"(c) The number of stallions, if known; mares and colts, their value, and whether of registered or of common or mixed stock; and the number of mules, registered jacks, jennets and mule colts, and their value; the number of bulls, steers, cows and calves, their value, and whether of registered or of common or mixed stock;

"(d) Each separate motor vehicle and its value, with a description which shall include the make, motor number, year made, model, style of body and such other information as the Department of Revenue may require.

"(e) All other property, including the number, denomination and fair cash value of all bonds subject to taxation owned by him, with the value thereof on July 1 of the year for which the list is given, and such other facts as may be required in the blanks provided.

"(2) An error or informality in the description or location of the property, or in the name of the owner of person assessed, shall not invalidate the assessment if the property can with reasonable certainty be located from the de-

scription given, in which case the collector may receive the taxes and by his receipt correct the error or informality."

Section 2. (1) The Department of Revenue shall cause an additional certificate, designated as a "Certificate of Assessment of Motor Vehicles" to be made a part of or to accompany the form prescribed for the listing of property with the county tax commissioner. The certificate of assessment shall contain a duplication of the information required in the list relating to the assessment of motor vehicles; the taxpayer's name and address; the county and district wherein the property is located and a certificate by the assessing officer that it is a true copy of so much of the taxpayer's return as relates to motor vehicles.

(2) The taxpayer shall enter all information required in the certificate of assessment and it shall be certified to by the county tax commissioner or his deputy. It shall be delivered to the taxpayer at the time he lists his property, or, if he furnishes a stamped, self-addressed envelope, it shall be mailed to the taxpayer. No fee shall be allowed or charged for the certificate of assessment.

(3) The certificate of assessment shall be retained by the taxpayer as evidence of having listed his motor vehicles for property taxes. If the ownership of the motor vehicle is subsequently changed, the taxpayer shall deliver the certificate of assessment with the bill of sale of the motor vehicle to the purchaser.

Section 3. (1) No motor vehicle which is required by law to be listed with a county tax commissioner of this Commonwealth, shall be registered or have the registration thereof transferred by a county court clerk unless evidence of the assessment of the motor vehicle as of the last assessment date is filed with the county court clerk.

(2) If the motor vehicle did not have a taxable situs in this state on the last preceding assessment date it shall not be registered or have the registration thereof transferred unless evidence that it did not have such a situs is filed with the county court clerk.

(3) If the motor vehicle is required by law to be assessed other than by the county tax commissioner, no evi-

dence of assessment shall be required but the owner shall file a signed statement showing by whom and for what taxes the vehicle is required to be assessed.

Section 4. (1) If properly completed and signed, the following shall be deemed sufficient evidence of assessment to satisfy the requirements of subsection one of section three of this Act, but no evidence shall be deemed sufficient unless the motor number of the vehicle is included in the description of the property assessed or listed;

(a) The certificate of assessment of motor vehicles provided for in section two of this Act; or

(b) A notice of assessment of the motor vehicle by the county tax commissioner, county board of supervisors or the State Tax Commission; or

(c) A certified copy of a judgment assessing the motor vehicle; or

(d) A duplicate certification by the county tax commissioner that the motor vehicle has been assessed by or listed with him; or

(e) A certification by the county court clerk, from assessment records in his custody, of the assessent of the motor vehicle.

(2) The person requesting it shall pay the county tax commissioner or the county clerk a fee of fifty cents for each certificate provided for in subsection (1) (d) and (1) (e) of this section.

Section 5. The county court clerk shall attach the documents required by section three of this Act to the triplicate copy of the registration or transfer receipts and file them in his office, in such manner as the Departent of Revenue may direct, as a part of the record of the registration of the motor vehicle. Such records shall be subject to inspection by the county tax commissioner, the county board of supervisors and the Department of Revenue.

Section 6. Any county court clerk, who shall negligently or knowingly register or transfer any motor vehicle in violation of section three of this Act, shall be liable for the amount of any taxes which should have been levied on the motor

vehicle if, in fact the motor vehicle was not assessed for taxation. The Department of Revenue shall by regulation provide for the collection of such amounts from the account of the county court clerk and for the delivery of such amounts to the proper tax collector. In addition to the civil liability imposed by this section, any county court clerk who shall fraudulently violate or fail to enforce section three of this Act shall be fined not less than fifty nor more than two hundred dollars for each offense.

Section 7. (1) Any person who shall fraudulently obtain a motor vehicle registration receipt or a motor vehicle transfer of registration receipt in violation of section three of this Act shall be fined not less than fifty nor more than two hundred dollars for each offense.

(2) Any court convicting a person under the provisions of this section shall report such a conviction to the Department of Revenue. The department shall forthwith revoke the registration. The registration or transfer receipt and the registration plates shall be delivered to the county court clerk, from whom they were obtained, to be delivered to the Department of Revenue.

Section 8. This act shall become effective July 1, 1947, but no evidence of any assessment or of the taxable situs of any motor vehicle as of any date prior to July 1, 1947, shall be required before the motor vehicle may be registered or have the registration thereof transferred.

By Mr. Denney.

H. B. 468. An Act relating to moneys paid under the federal flood control act of 1938, as amended.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Finance is authorized to receive and distribute sums paid to this state, for the benefit of particular counties of this state, under the Federal Flood Control Act of June 28, 1938, as amended. The Department of Finance

shall keep a separate account of such funds and shall issue its warrant upon the State Treasurer, in favor of the county treasurer of the county which is entitled to the money, and the State Treasurer shall thereupon issue his check against said funds in favor of said county treasurer, for the amount thereof.

By Mr. Peniston.

H. B. 469. An Act authorizing public projects, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context requires otherwise:

(1) "Public project" means any lands, buildings or structures, works or facilities suitable for and intended for use as public property for public purposes or suitable for and intended for use in the promotion of the public health, public welfare or the conservation of natural resources, including the planing of any such lands, buildings, structures, works or facilities, and shall also include existing lands, buildings, structures, works and facilities, as well as improvements or additions to any such lands, buildings, structures, works or facilities. (2) "Governmental agency" means the Commonwealth of Kentucky as such acting by or through any department, instrumentality or agency thereof, or any county, city, agency or instrumentality or other political subdivision of the Commonwealth, or agency, or instrumentality thereof.

§ 2. A governmental agency acting separately or jointly with one or more of any such agency, may acquire, construct, maintain, add to and improve any public project as defined in this Act, which public project may be located within or without or partly within and partly without the territorial limits of such governmental agency or agencies, and for the purpose of defraying the cost thereof may borrow money and issue negotiable revenue bonds. Before any department or agency of the state government shall borrow money and issue

bonds under this Act, the head of the department or agency shall file with the Secretary of State a written order, approved by the Governor, the Attorney-General and the Commissioner of Finance, setting forth the proposed public project, the amount of the bonds to be issued, and the maximum rate of interest the bonds are to bear. Any governmental agency other than agencies of the state government may borrow money and issue revenue bonds under this Act pursuant to an order, resolution or ordinance of its legislative body, which order, resolution or ordinance shall set forth the proposed public project, the amount of the revenue bonds to be issued and the maximum rate of interest. In every instance the order, resolution or ordinance shall provide that the public project is being undertaken under the provisions of this Act.

§ 3. (1) The bonds may be issued to bear interest at the rate not to exceed six percent per annum, payable either annually or semi-annually, and shall be executed in such manner and be payable at such times not exceeding twenty-five years from date thereof and at such place or places as the governmental agency determines.

(2) The bonds may provide that they or any of them may be called for redemption prior to maturity, on interest payment dates not earlier than one year from the date of issuance of the bonds, at a price not exceeding 103 and accrued interest, under conditions fixed by the governmental agency before issuing the bonds.

(3) Any governmental agency is authorized to rent or lease such public project or any portion thereof to any persons, partnerships, associations or corporations either public or private.

(4) A governmental agency is hereby empowered to accept donations or gifts to the public project from any source and to accept appropriations and grants to the public project from the Federal Government or any agency thereof and appropriations from the state or any county, city or other political subdivision and, at the option of the governmental agency, to pledge such donations, gifts or appropriations to

the payment of revenue bonds issued to finance the cost of a public project.

§ 4. Bonds issued pursuant to this Act shall be negotiable and shall not be subject to taxation. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before delivery of the bonds, his signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The bonds shall be sold in such manner and upon such terms as the governmental agency deems best, or any contract for the acquisition of a public project may provide that payment shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six percent, except as provided in subsection (2) of section 3 of this Act. The bonds shall be payable solely from the revenue derived from the public project and shall not constitute an indebtedness of the state, county, city or political subdivision within the meaning of the Constitution. It shall be plainly stated on the face of each bond that it has been issued under the provisions of this Act and that it does not constitute an indebtedness of the governmental agency within the meaning of the Constitution.

§ 5. All money received from the bonds shall be applied solely for the acquisition, construction, maintenance or improvement of the public project, and the necessary expense of preparing, printing and selling said bonds, or to advance the payment of the interest on the bonds during the first three years following the date of the bonds.

§ 6. If there is any default in the payment of principal or interest of any bond, any court having jurisdiction of the action may appoint a receiver to administer the public project on behalf of the governmental agency, with power to charge and collect rents, royalties, fees, rates and charges and to receive any other available revenue sufficient to provide for the payment of any bonds or obligations outstanding against the public project, and for the payment of operating expenses, and to apply the income and revenue in conformity with this Act and the order, resolution or ordinance referred to in Section 2 of this Act.

§ 7. At or before the issuance of bonds the governmental agency shall, by order, resolution or ordinance, set aside and pledge the income and revenue of the public project including rents, royalties, fees and proceeds of sales of property and from rates and charges for services derived from or rendered by the public project into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. The order, resolution or ordinance shall definitely fix and determine the amount of revenue necessary to be set apart and applied to the payment of principal and interest of the bonds, and the properties of the balance of the income and revenue to be set aside as a proper and adequate depreciation account, and the remaining proportion of such balance shall be set aside for the reasonable and proper operation and maintenance of the public project. The rents, royalties, fees, rates and charges for the services or sale of the public project shall be fixed and revised from time to time so as to be sufficient to provide for payment of interest upon all bonds and to create a sinking fund to pay the principal thereof when due, and to provide for the operation and maintenance of the public project and an adequate depreciation account.

§ 8. If a surplus is accumulated in the operating and maintenance funds equal to the costs of maintaining and operating the public projects during the remainder of the calendar, operating or fiscal year, and during the succeeding like year, any excess over such amount may be transferred at any time by the governmental agency to the depreciation account, to be used for improvements, extensions or additions to the public project.

§ 9. The funds accumulating to the depreciation account shall be expended in balancing depreciation in the public project or in making new constructions, extensions or additions thereto. Any such accumulations may be invested as the governmental agency may designate, and if invested the income from such investment shall be carried into the depreciation account.

§ 10. The governmental agency may issue new bonds to provide funds for the payment of any outstanding bonds,

in accordance with the procedure prescribed by this Act. The new bonds shall be secured to the same extent and shall have the same source of payment as the bonds refunded.

§ 11. If the governmental agency finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued in the same manner.

§ 12. Any governmental agency acquiring any public project pursuant to the provisions of this Act may, at the time of issuing the bonds for such acquisition, provide for additional bonds for extensions and permanent improvements to be placed in escrow and to be negotiated from time to time as proceeds for that purpose may be necessary. Bonds placed in escrow shall, when negotiated, have equal standing with bonds of the same issue.

By Mr. Jonas.

H. B. 470. An Act to amend Section 336.060 of KRS so as to authorize representatives of the Department of Industrial Relations to serve subpoenas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 336.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the conduct of an investigation or hearing, the commissioner or any authorized deputy may issue subpoenas to compel the attendance of witnesses and parties and the production of books, papers and records competent and relevant to the matter under investigation; administer oats; examine witnesses under oat; take the verification or proof of written instruments; and take testimony, depositions and affidavits to carry out any law over which the department has jurisdiction.

(2) If any person called for an appearance not more than fifty miles from the place of service fails to obey the subpoena, the commissioner, or his authorized deputy or at-

torney, may apply to the circuit court having jurisdiction either of the parties or the subject matter. Unless sufficient reason is shown for failure to obey the subpoena, the circuit court shall enforce it and punish any violation as a contempt of court.

(3) Subpoenas issued under this section may be served by an inspector or other authorized representative of the department, at any place in the state.

By Mr. Jonas.

H. B. 471. An Act to amend Section 338.050 of KRS, relating to unsafe working conditions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 338.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an employe or his representative complains that any place of employment, equipment or practice is unsafe, he or his representative shall file with the commission a statement setting forth the facts upon which he relies for his contention, and transmit a copy of the complaint and statement to his employer. Upon such complaint the commissioner or his authorized representative shall immediately investigate and undertake to have corrected any dangerous condition he finds. If the commissioner or his representative is unable to effect an adjustment he shall file the complaint, statement and findings with the board for hearing.

(2) The commissioner may, upon his own motion and without complaint having been filed as provided in subsection (1) of this section, file a complaint with the board with respect to any unsafe place of employment, equipment or practice that has come to his attention or to the attention of a representative of the department and which, after the commissioner or representative has undertaken to have it adjusted, has not been corrected or removed.

(3) The board shall give at least ten days' notice to the employer of the hearing on any complaint filed with the board,

and, in the case of complaints made under subsection (1) of this section, shall give like notice to the employe or his representative. If, after hearing the testimony and inspection of the premises or equipment where it considers such inspection necessary, the board determines that such place, equipment or practice is unsafe, it shall issue an order to that effect and shall post conspicuously on the premises or equipment complained of a notice to that effect. This notice shall be removed only by an authorized representative of the department after the board has determined that the premises or equipment are no longer unsafe.

(4) After the determination by the board that the premises or equipment are unsafe, and constitute a serious menace to the life or safety of the persons about it, the commissioner may apply to the circuit court of the county in which they are located for an injunction restraining their use or operation until the dangerous condition is corrected.

(5) The application to the circuit court shall be accompanied by the certified order of the board and an affidavit showing the facts upon which the board relied for its determination. Upon such a presentation, the court may issue a temporary restraining order pending final hearing and application for injunction.

(6) No person, after the notice provided for in subsection (3) is attached to the premises or equipment, shall use any such place, equipment or practice before it is made safe and the required safeguards or safety appliances are provided. No person shall deface, destroy or remove any such notice, without the authority from the commissioner or order of the court.

By Mr. Doran.

H. B. 472. An Act declaring certain conduct, and certain uses of property, to constitute a nuisance; etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) Any person who occupies or uses any premises for the purpose of operating or conducting therein or thereon any game of chance or any gabling device, or who knowingly rents or permits the use of any premises for such purpose, shall be guilty of a nuisance. Any premises so used shall be forfeited to the state. The forfeiture shall extend to the whole of the premises so used, including the furniture and fixtures therein, and including all land and buildings within one boundary.

(2) This section does not apply to the operation of a pari-mutuel system in any enclosure in which horse racing is conducted under license from the State Racing Commission, or in any enclosure in which trotting and pacing races are being conducted by associations regularly organized for that purpose, during regular race meetings in such enclosures.

Sec. 2. (1) Any Commonwealth's Attorney, county attorney, mayor of a city, or any private citizen may maintain an action in equity in the name of the state upon relation of said officer or citizen against the owner to forfeit property declared a nuisance by Section 1 of this Act.

(2) In such action evidence of the general reputation of the place or property and of the defendant shall be admissible.

(3) If the petition is filed by a private citizen, it shall not be dismissed except upon a sworn statement made by the citizen and his attorney, setting forth the reasons why same should be dismissed, and except upon approval in writing in open court by the Commonwealth's attorney or the county attorney.

Sec. 3. (1) Upon a judgment of forfeiture under Section 2 of this Act, the court shall direct the sheriff to sell the property. The sale shall be made in the same manner as sales under execution, and the same fees shall be allowed the officers conducting the sale.

(2) The sheriff shall pay first out of the purchase money and valid recorded liens on the property so sold. The court may in its discretion order a sale subject to the liens.

(3) No lien on any property so sold shall be paid unless it is recorded prior to the committing of the nuisance and unless the lienor can establish he had no knowledge of the nuisance.

(4) If the petition is filed by a private citizen and a sale ordered, the citizen shall receive ten percent of the net proceeds of sale of any property under any judgment of forfeiture, after deducting costs and all valid liens.

(5) The sheriff, after payment of liens, costs and fees, shall pay the balance of the proceeds of sale to the circuit clerk, who shall transmit the balance as in the case of other forfeitures.

Sec. 4. (1) Any Commonwealth's attorney, county attorney or private citizen may maintain an action in equity in the name of the state to enjoin any nuisance described by Section 1 of this Act.

(2) No bond shall be required in instituting proceedings under this section.

Sec. 5. (1) If it is made to appear to the satisfaction of the court, or judge in vacation, that a nuisance described by Section 1 of this Act exists, a temporary injunction shall forthwith issue, restraining the defendant from conducting or permitting the continuance of the nuisance until the conclusion of the trial. If a temporary injunction is prayed for, the court or judge may issue an order restraining all persons from interfering in any way with the fixtures or other things used in connection with the nuisance.

(2) It shall not be necessary for the court to find the property involved is being unlawfully used as described in Section 1 of this Act at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that no game of chance or gambling device shall be operated or maintained in the premises, or any part thereof. Upon judgment of the court ordering the nuisance abated, the court may order that the premises shall not be occupied or used for six months.

(3) The court may permit the premises to be used if the owner, lessee, tenant or occupant gives bond with sufficient surety, to be approved by the court making the order, in the

sum of not less than five hundred dollars nor more than one thousand dollars, payable to the state and conditioned that no game of chance or gambling device will thereafter be conducted or operated on or in the premises, and that he will pay all fines, costs and damages that may be assessed for any violation of the gambling laws on or in the premises.

Sec. 6. WHEREAS, the use of premises for gaming and gambling constitutes a serious threat to the public welfare, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By. Mr. Stapleton.

H. B. 473. An Act relating to cities of the fifth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In the discretion of the city council, a city of the fifth class may by ordinance provide for the consolidation of the offices of clerk and treasurer. If this is done, the city council may appoint a clerk-treasurer for a term of two years, subject to removal at the pleasure of the council, and fix his compensation. He shall give bond in a sum fixed by ordinance, the bond to be aproved by the city council and filed with the mayor.

By Mr. E. H. Martin.

H. B. 474. An Act providing for a refund of tax paid on gasoline used in publicly owned school buses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Tax paid pursuant to the provisions of KRS 138.210 to 138.340 upon gasoline for use in publicly owned school busses, used exclusively in the transportation of school children to and from school, may be refunded.

§ 2. The provisions of KRS 138.346 shall apply to applications for refund of tax paid on gasoline used in publicly owned school busses.

By Mr. Kincaid.

H. B. 475. An Act relating to revenue and taxation, with particular reference to the assessment of property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of section 132.640 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Department of Finance shall, on the first of each calendar month, authorize payment of six hundred dollars to the county tax commissioner of each county containing a city of the second class, as an advancement by the state to defray necessary official expenses and partial payment of the salaries of himself and deputies. These sums shall be deducted from the total paid the tax commissioner when the yearly settlements are made. If the office of tax commissioner becomes vacant, the sums advanced hereunder shall be deducted from the yearly settlement when it is made.

§ 2. The Department of Finance shall, on the first of each calendar month from July 1 to November 1, inclusive, authorize payment to the county tax commissioner of each county other than those counties containing a city of the first or second class, as an advancement by the state to defray necessary official expenses and partial payment of the salaries of himself and deputies, an amount for each of those months equal to ten percent of the compensation to become due to the county tax commissioner, as estimated by the Department of Revenue and certified by that department to the Department of Finance. These sums shall be deducted from the total paid the tax commissioner when the yearly settlements are made. If the office of tax commissioner becomes vacant, the sums advanced hereunder shall be deducted from the yearly settlement when it is made.

§ 3. Section 133.125 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall act as clerk of the board of supervisors, and he shall keep an accurate record of the proceedings and orders of the board. He may employ the necessary deputies required to assist him as clerk of the board of supervisors. The records shall show the name of the owner of the property, the description, the class of property, the amount with which the county tax commissioner assessed the property and the amount of the assessment made by the board of supervisors. It shall be filed in the office of the county clerk and a certified copy submitted to the Department of Revenue within fifteen days after the adjournment by the board. The clerk shall also report as a part of this record the net increase or decrease in assessed valuation for each class of property considered by the board. The clerk of the board and necessary deputies shall be allowed the same compensation, and be paid in the same manner, as members of the boards of supervisors are paid. Provided, that the clerk shall be allowed not exceeding five days after adjournment of the board of supervisors for the correction of the tax books. The clerk shall be entitled to the payment of fifteen cents for the preparation of each schedule of omitted intangibles assessed by the board with reference to an appeal to it.

(2) The clerk of the board of supervisors shall certify to the county court the approval of the tax books, and the court shall enter this fact of record. The court shall enter also the amount due the supervisors and the clerk of the board and his deputies for their services. On presentation of a copy of the order, the Department of Finance shall draw a warrant on the State Treasurer in favor of the county tax commissioner for the portion of his claims, as provided by KRS 132.590, and the amount due the supervisors, and the clerk of the board of supervisors and his deputies, for their services.

By Mr. Nunn.

H. Res. 98. A joint resolution authorizing Z. F. Bloodworth to practice as a Veterinarian.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Z. F. Bloodworth, of Trigg County, Kentucky, be granted a license as a veterinarian to practice in the rural sections of Trigg County.

By Mr. Creasey.

H. Res. 99. A joint resolution authorizing H. L. Wilkerson, of Dixon, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That H. L. Wilkerson is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damages to his crops during the years 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County, Kentucky, on the north side thereof and south of Dixon and Slaughters State Highway, and approximately four miles east of Dixon, Kentucky, which land lies upon the waters of the Winstead Public Ditch, and which farm contains approximately 180 acres.

Said damage was caused by an overflow of said Winstead Public Ditch, which ditch passes under a bridge being maintained by the Highway Department of Kentucky at said ditch which flows from south to north and flows along the line of the said H. W. Wilkerson northwardly. The said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity, which results in damages to the crops of the said H. L. Wilkerson.

Said suit shall be for a sum not in excess of $1800.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein,

and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

By Mr. Creasey.

H. Res. 100. A joint resolution authorizing R. G. Hanner, of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That R. G. Hanner is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damages to his crops during the years 1941, 1942, 1943, 1944 and 1945, grown on his farm in Webster County Kentucky on the west side thereof and east of U. S. Highway 41, and being approximately four miles east of Providence, Kentucky, which land lies upon the waters of Bull Creek, a portion of which has been reconstructed into what is known as the I. N. Baker ditch, and which farm contains approximately 160 acres.

Said damage was caused by an overflow of Bull Creek or the I. N. Baker Public Ditch, which creek or ditch passes under a bridge erected and constructed and being maintained by the Highway Department of Kentucky at U. S. Highway 41, which ditch flows from east to west and flows across the said farm of R. G. Hanner westwardly. That the said over-

flow was due to the fact that the opening is not sufficient to permit passage of the ordinary rainfalls in that vicinity, which results in damages to the crops of the said R. G. Hanner.

Said suit shall be for a sum not in excess of $2600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon a warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the Jury as an admission of negligence or wrongful act upon the part of the Commonwealth; and this Resolution shall not be introduced as evidence, nor commented upon by counesl in argument to the Jury.

By Mary Burnett.

H. Res. 101. A joint resolution authorizing the personal representative of the estate of John Robert Gray to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of the estate of John Robert Gray is authorized to sue the Commonwealth of Kentucky in the Fayette Circuit Court for damages resulting from the death of John Robert Gray, caused by alleged negligence on the part of the employees or members of the Kentucky Active Militia of the Commonwealth of Kentucky while said employees or members were in the line of duty as employees or members of the Kentucky Active Militia of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolutions be printed and referred.

The Committees to which the same had been referred, reported bills of the following titles, viz:

By Mr. Stone of the Committee on Insurance, Fire and Marine.

H. B. 363. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance, etc.

H. B. 426. An Act to amend Sec. 298.210 KRS relating to insurance agents.

With a Committee Amendment thereto.

By Mr. Slusher of the Committee on Cities of the Fourth Class.

H. B. 386. An Act authorizing cities of the 4th class to acquire land for purpose of straightening or widening any creek, etc.

By Mr. Bassett of the Committee on Public Health.

H. B. 233. An Act relating to chiropractors.

By Mr. Doran of the Committee on Education.

H. B. 369. An Act relating to the retirement of teachers in non-educational State Institutions.

H. B. 405. An Act relating to teacher retirement.

H. B. 411. An Act relating to teachers salaries.

H. B. 427. An Act relating to sick leave for school teachers.

H. B. 223. An Act relating to higher education for negroes.

With Committee amendments thereto.

By Mr. Stapleton of the Committee on Insurance Life and Casualty.

H. B. 448. An Act relating to burial associations.

H. B. 433. An Act to promote safe driving, etc.

H. B. 364. An Act to regulate the making, filing and use of rates certain kinds, types or forms of insurance written by casualty insurance and surety companies on risks or operations in this State, etc.

By Mr. Gilliam of the Committee on Cities of the Second Class.

H. B. 382. An Act relating to the clerk of the police court in cities of the 2nd class.

H. B. 383. An Act amending subsec. (2) of KRS 92.590 relating to the payment of taxes in cities.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Doran of the Committee on Education.

H. B. 278. An Act relating to county school superintendents.

H. B. 229. An Act relating to education.

H. B. 402. An Act relating to salaries of school teachers.

H. B. 226. An Act relating to the state Department of Education.

By Mr. Slusher of the Committee on Cities of the Fourth Class.

H. B. 349. An Act relating to cities of the fourth class.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time and so said bills were rejected.

Mr. Howell moved that the Rules be suspended and that the House do now take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 128. An Act relating to ad valorem taxation of the right to receive income, etc.

Said motion was agreed to.

Thereupon the House took up for immediate consideration, said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That to the extent that the present right to receive income for the period of a life or lives, or other indeterminate period, may be held to be subject to assessment and taxation, the sole basis of the assessment value shall be the fair cash value estimated at the price that the particular right to receive income in question would bring at a fair voluntary sale. The value of such a right determined on the assumption that the recipient of such income will live to some future date determined by reference to a Mortality Table shall not be substituted for a fair cash value estimated at the price that the particular right to receive income will bring at a fair voluntary sale. No tax assessor, county board of supervisors, state tax commission, court or other person authorized to determine values for the purpose of assessment, shall receive or consider evidence of, or determine the assessment value by the use of Mortality Tables to estimate the period during which said right to receive income will be enjoyed.

(2) To the extent that a present right to receive income from any source for a life or lives or other indeterminate period, including the right to receive installment payments, even though for a determinate period, under the terms of a life insurance policy, payable by reason of the death of the insured, may be held to be subject to assessment for ad valorem taxes, the owner or person enjoying such right on July 1st of each year shall pay a tax to the state of five cents upon each one hundred dollars of the fair cash value of his right on the assessment date, estimated at the price such right would bring at a fair voluntary sale. No other tax shall be assessed by the state or by any county, city, school district, or other taxing district on any such right, or against the holder of any such right on account thereof.

(3) No action nor proceeding shall be commenced or maintained to assess for taxation for any period prior to July 1, 1946, for ad valorem tax purposes, the present value of the right to receive future income for a life or lives, or other indeterminate period, including the right to receive installment payments, even though for a determinate period, under the terms of a life insurance policy, payable by reason of the death of the insured, if such right has been listed for taxation as of July 1st, 1946.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Adron Doran	W. H. Hunt
Roy W. Arnold	G. I. Drury	Kerby Jennings
Henry Arrowood	Forest C. Easley	Paul Jonas
Harold L. Barnes	Bernie S. Edlin	L. H. Jones
F. H. Bassett, Jr.	Eck Embry	B. F. Kincaid
Ott Begley	R. R. Ernst	Edgar Kitchen
W. G. Biggers	A. H. Eversole	Homer E. Losey
Jack Bingham	Henry J. Giles	A. L. Love
B. J. Bonn	Tom Gilliam	H. K. Lowman
J. C. Bradley	M. B. Gilligan	E. J. Lucas
B. K. Brantley	Otto W. Goff	F. G. Marquette
John Y. Brown	R. M. Hall	E. H. Martin
Mrs. Mary Burnett	C. L. Hammonds	W. E. McClure
Chas. W. Burnley	Harold G. Helm	Jack McPherron
Alex. H. Calvert	E. R. Hilton	Harry L. Moore
W. K. Coleman	Clyde S. Howard	J. L. Moore
Fred Creasey	Maurice Howard	J. Lee Moore
S. J. Daugherty	Jerry F. Howell	Fred Morgan
L. A. Demumbrun	J. J. Huff	E. C. Mullins
E. R. Denny	Ira W. Hulette	Rodes K. Myers

J. C. Newcomb	Luther Slusher	E. N. Todd
Thos. A. Noe	Forrest Smith	Walter L. Trivette
Louis T. Peniston	W. R. Smith	S. J. Wagner
Sylvester Phillips	E. A. Spencer	Harry F. Walters
L. W. Preston	Paul J. Stapleton	Lyle H. Webb
E. F. Prichard	Geo. W. Steinford	W. W. Webster
Hobart Rayburn	L. S. Stephens	Geo. J. Weining
Wade H. Riley	Ralph G. Stone	Lawrence Wells
Kelse H. Risner	C. W. Taylor	Rodney Whitlow
Amos Runyan	E. L. Thompson	John Wilborn
J. W. Simmons	Ray G. Tipton	Mr. Speaker

—93

Resolved that the title thereof be as aforesaid.

Mr. Denney moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Wagner sent to the Clerk's desk an amendment by way of Substitute for a bill entitled:

H. B. 310. An Act relating to special assessments in office of County Clerk or sheriff, etc.

Which he moved that the Clerk's be directed to have printed.

Said motion was agreed to.

The Speaker announced that he had referred bills previously introduced in this House, as follows:

H. B. 433. To Committee on Insurance, Life and Casualty.

H. B. 448. To Committee on Insurance, Life and Casualty.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 247. An Act relating to the State Educational agency for surplus property.

H. Res. 77. A Resolution appropriating $1,000 to Clerk's office.

S. Res. 5. Joint Resolution providing for the purchase of the Kentucky Directory.

H. B. 227. An Act making provisions for a Kentucky Commission on Negro Affairs.

With a Committee Amendment thereto.

H. B. 422. An Act to require permits for the drilling of oil or gas wells, establish spacing requirements, etc.

H. B. 423. An Act creating the Kentucky Geological Survey and defining its functions, etc.

H. B. 375. An Act to control and prevent the spread of infections and communicable diseases among poultry.

H. B. 315. An Act relating to swine.

With a Committee Amendment thereto.

H. B. 397. An Act relating to the classified service under the Merit System in cities of the First class.

H. B. 439. An Act relating to Representative Districts.

H. B. 358. An Act relating to public assistance, including old age assistance and aid to the needy blind.

S. B. 33. An Act relating to primary and general elections, particularly relating to contests of elections.

S. B. 25. An Act relating to the registration and purgation of voters.

With Committee Amendments thereto.

S. B. 71. An Act to authorize any county to acquire by purchase, construction or extension buildings and land to be used by said counties for courthouses, etc.

S. B. 23. An Act providing for the taking of the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising and amending the Constitution of the Commonwealth.

H. B. 416. An Act relating to employment service.

H. B. 381. An Act fixing the regular term of the Circuit Court in the counties of McCracken and Marshall.

S. B. 18. An Act relating to the reemployment of veterans.

S. B. 44. An Act relating to law clerks for the Court of Appeals.

H. B. 378. An Act to amend Sec. 96.540 KRS relating to restrictions on conveyance or encumbrance of water works for lighting systems by cities of the second, third, fourth, fifth, or sixth classes.

H. B. 78. An Act to amend subsec. 7 of Sec. 67.080 KRS so as to increase the amount that may be paid as compensation to such person as the fiscal courts in counties containing a city of the second class employ to keep accounts, etc.

H. B. 412. An Act relating to members of police and fire departments in cities of the second and third classes.

H. B. 428. An Act relating to Mayor pro-tem and vacancies in the office of Mayor and City Commissioners in City of the Second Class.

H. B. 287. An Act relating to the procedure for assessing property for taxation purposes in cities of the second class.

H. B. 115. An Act authorizing fiscal courts in counties containing a city of the second class to employ a person to supervise all purchases made for said county.

H. B. 292. An Act relating to boxing and wrestling.

H. B. 389. An Act relating to the terms of court in the 11th Judicial District.

H. B. 351. An Act relating to the indexing of county records.

S. B. 60. An Act to repeal, amend and re-enact para. C of subsec. 1 of Sec. 391.030 KRS.

H. B. 184. An Act relating to small loans.

H. B. 159. An Act relating to workmen's compensation.

With a Committee amendment thereto.

H. B. 209. An Act relating to divorce.

With a Committee amendment thereto by way of Substitute therefor,

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

Mr. Runyon of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill of the following titles, viz.:

S. B. 56. An Act relating to applicants for pharmacists' license.

Thereupon all other business was suspended, and said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The hour of two o'clock having arrived, that being the hour for the Special Order of the Day, towit: a bill entitled:

H. B. 224. An Act relating to the services, rights and privileges to be made available or furnished to prospective customers of mercantile establishments.

The House took up for consideration, said Special Order.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall, on account of race, be refused service or the right to purchase garments or similar goods at any mercantile establishment, or be denied any privilege accorded to other prospective customers of a mercantile establishment.

§ 2. Any owner, manager or employe of a mercantile establishment who violates any of the provisions of Section 1 of this Act shall be fined not less than fifty dollars nor more than five hundred dollars.

Mr. Anderson offered the following amendment to said bill, viz.:

Amend H. B. 224 on page 1, section 1, line 1 by striking out the words "service or" in line 1.

Said amendment was agreed to.

Mr. Anderson moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same having been engrossed, said bill was read the third time by its title only, and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Rodes K. Myers
Henry Arrowood	Maurice Howard	Sylvester Phillips
Ott Begley	J. J. Huff	E. F. Prichard
W. G. Biggers	W. H. Hunt	Hobart Rayburn
Jack Bingham	Kerby Jennings	Kelse H. Risner
B. K. Brantley	B. F. Kincaid	Luther Slusher
John Y. Brown	G. O. Kirkpatrick	W. R. Smith
L. A. Demumbrun	Homer E. Losey	E. A. Spencer
E. R. Denny	A. L. Love	L. S. Stephens
G. I. Drury	E. J. Lucas	Ray G. Tipton
Bernie S. Edlin	Ed Marcum	E. N. Todd
R. R. Ernst	Jack McPherron	Morris Weintraub
A. H. Eversole	Harry L. Moore	Lawrence Wells
R. M. Hall	Joe T. Morgan	Rodney Whitlow
C. L. Hammonds		—43

Those who voted in the negative were—

Roy W. Arnold	E. R. Hilton	L. W. Preston
Harold L. Barnes	Clyde S. Howard	Wade H. Riley
F. H. Bassett, Jr.	Jerry F. Howell	Amos Runyan
B. J. Bonn	Ira W. Hulette	J. W. Simmons
J. C. Bradley	Edgar Kitchen	Forrest Smith
Chas. W. Burnley	H. K. Lowman	Paul J. Stapleton
Alex. H. Calvert	F. G. Marquette	Geo. W. Steinford
W. K. Coleman	E. H. Martin	Ralph G. Stone
Fred Creasey	W. E. McClure	C. W. Taylor
S. J. Daugherty	J. L. Moore	E. L. Thompson
Adron Doran	J. Lee Moore	Walter L. Trivette
Forest C. Easley	Fred Morgan	S. J. Wagner
Eck Embry	E. C. Mullins	Harry F. Walters
Henry J. Giles	John C. Newcomb	Lyle H. Webb
Tom Gilliam	Thos. A. Noe	W. W. Webster
M. B. Gilligan	Joe E. Nunn	Geo. J. Weining
Otto W. Goff	Louis T. Peniston	—50

Mr. Burnley moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred a bill previously introduced, as follows, viz.:

H. S. 440. To the Committee on Mines and Mining.

The Speaker vacated the Chair and designated Mr. Morris Weintraub as Speaker pro-tem.

The hour of two-fifteen o'clock p. m. having arrived, that being the hour for the Special Order of the Day, the House took up for consideration said Special Order, a bill entitled:

S. B. 48. An Act amending Sections 95.570, 95.580 and 96.600 KRS, etc.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 96.570 of Kentucky Revised Statutes be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

Except as otherwise specifically provided in KRS 96.550 to 96.900, the board of a municipality shall exercise all powers conferred upon the municipality by KRS 96.550 to 96.900. Any board operating under the provisions of KRS 96.550 to 96.900 shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of KRS 96.550 to 96.900, including, but not by way of limitation, the following express powers:

(1) Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.

(2) Construct, acquire, own, lease, operate, maintain and improve electric plant or plants as defined in KRS 96.550, and may provide electric service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.

(3) Construct, acquire, own, lease, operate, maintain and improve distribution or transmission line or lines, or generating plant or plants, together with all necessary and appropriate facilities, equipment and appurtenances, individually or jointly with any other municipality or rural electric cooperative corporation organized under the laws of Kentucky for the purpose of generating, distributing, or transmitting electric power or energy and connecting their respective electric plants with a wholesale source of supply, and in the case of any such joint action, such municipalities and rural electric cooperative corporations may provide by contract for the method of holding title, for the allocation of responsibility, for operation and maintenance and for the allocation of expenses and revenues.

(4) Construct, own, lease, operate and control any and all works, lines, buildings and other facilities across, along,

or under any street or public highway and over any lands which are now or may be property of the Commonwealth or of any county or municipality within this Commonwealth. The board shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all such respective streets or public highways.

(5) Accept gifts, grants of property, real or personal, including money, from any person, municipality or federal agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by any municipality or any board or any appraisers or board of appraisers, appointed pursuant to the provisions of KRS 96.550 to 96.900 to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation of reports authorized by KRS 96.550 to 96.900, no engineer who is engaged in whole or in part in the business of buying or selling any electric equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of KRS 96.550 to 96.900. The limitations hereinabove provided shall also apply to any firm of engineers, and to any member of any firm of engineers, if the firm or member of the firm is engaged in whole or in part in the business of buying or selling any electric machinery, equipment, fixtures, materials, supplies or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of KRS 96.550 to 96.900. Provided, further, that the provisions of this section shall not be construed to prohibit the board or the governing authority of any municipality from obtaining the advice or services of any

engineer in the regular employment of the state or any federal governmental agency.

(6) Contract debts and borrow money for the acquisition or improvement of any electric plant, issue bonds to finance such acquisition or improvement, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from electric service to the payment of such debts or repayment of money borrowed.

(7) Acquire, hold, and, subject to the provisions of KRS 96.860 and the applicable provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any electric plant, and whether or not subject to mortgages, liens, charges, or other encumbrances.

(8) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of the board may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency, including, but without limitation, covenants, terms and conditions with respect to the acquisition or construction of any electric plant or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any electric plant and the furnishing of electric service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvement, operation or maintenance of any electric plant and the furnishing of electric service.

(10) Do all acts and things necessary or convenient to carry out the powers expressly given in KRS 96.550 to 96.900.

(11) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of electric energy or power, and contracts for the acquisition and improvement of all or any part of an electric plant; and, in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as the governing body deems appropriate, including, but without limitation, covenant, terms and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the electric plant conducted and operated by the board, except that the board shall not have the power to contract with the Tennessee Valley Authority or any other governmental agency for the purchase and resale of electric energy or power unless the contract shall provide that the resale rates of the board for electric service or electric energy shall be sufficient to cover all operating expenses, interest charges, and bond payments, other expenses, and payments to the state, any county, any school district, any municipality, and any other special taxing district in which the board operates, of amounts determined as provided in KRS 96.820; nor unless such contract provides that the payments to such taxing jurisdictions be made to them as hereinafter prescribed.

(12) Acquire a franchise to furnish electric service to any other municipality or county or the inhabitants thereof, and to contract with any other municipality or county to furnish it with electric service. Such contracts may be entered into by the governing bodies of the other cities or county.

Provided, however, that no board of a municipality, or a municipality, in which municipality there is located an existing electric plant, shall have the power under this or any other law to construct an electric plant, or to enter upon the construction of any facilities duplicating those of the existing electric plant, or to obtain an electric plant other than by the purchase of such existing electric plant or the exercise of the power of eminent domain.

Section 2. That Section 96.580 of Kentucky Revised Statutes be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

(1) Before a board or a municipality shall have authority to condemn an existing electric plant under the provisions of KRS 96.550 to 96.900, the board shall notify the owner of the existing electric plant, hereinafter referred to as the owner, in writing of its desire to purchase the plant or that portion thereof located or situated within said municipality and of its desire to enter into an agreement as to the value thereof. If no fair and reasonable price and terms of purchase and sale shall be agreed upon between the board and the owner within sixty days after the aforesaid notice has been given the owner, and if either party desires that further efforts to determine a fair price and terms of purchase and sale be made, a board of appraisers consisting of two members shall be appointed, one by the board and the other by the owner. Such appointments shall be made within thirty days after the expiration of the time given the board and the owner to agree upon the value of the existing electric plant, or that part thereof which the board desires to purchase. Should the two members of the board of appraisers be unable to agree within thirty days after their appointment upon a fair and reasonable price, a third member of the board of appraisers shall be selected by them. In the event the two appraisers cannot agree upon the third member of the board of appraisers, then upon application of either the board or the owner, the Governor of the Commonwealth shall name the third appraiser. The board of appraisers shall consult with the State Public Service Commission in its efforts to arrive at a fair price for the electric plant, and the State Public Service Commission shall make available to the board of appraisers its facilities and any information in its possession bearing on the value of the electric plant. It shall be the duty of the board of appraisers to make a survey of, appraise and submit to the board and the owner in writing, its valuation of the electric plant. In determining the fair price for the electric plant the board of appraisers shall ascertain (1) inventory value of the real estate, tangible and

intangible property, which value shall not be less than the cost of reproduction as a going concern, less reasonable depreciation; and (2) by capitalizing at not to exceed five (5%) percent the average annual net earnings derived by the owner from the operation of the property for the three (3) full fiscal years immediately preceding the date upon which the value is ascertained. The value of the property found by the board of appraisers shall be the average of the two values ascertained as hereinabove provided, and the board of appraisers shall ascertain the damage resulting to the remainder of the property of the owner caused by the taking of the electric plant. The damage so ascertained shall be added to the value so determined and the result shall be the fair price for the electric plant. In addition to the fair price as herein determined, the municipality shall at the time of the conveyance to it of the electric plant, also pay to the owner the fair value of the materials and supplies on hand applicable to said plant, and the amount of all accounts receivable. The board of appraisers shall file its written report within six months from the date of the appointment of the first two members. The value fixed by two of the three members of the board of appraisers shall be the finding of the board. In the event two of the three members cannot agree within six months after the appointment of the first two members, the entire first board of appraisers, unless given further time by agreement between the board and the owner, shall be discharged, and a second board of appraisers, if desired by both the board and the owner, may be appointed as provided herein, which shall make its final report within six months after the appointment of the first two members thereof. It shall be the duty of the board to pay all compensation to the member appointed by it and the duty of the owner to pay all compensation to the member appointed by it, and the board and the owner shall each pay one-half of the compensation which may be due the third member and one-half of all other costs incurred in connection with the work of the board of appraisers. These costs may be included as a part of the purchase price agreed upon. Neither the board nor the

owner shall be required to accept the report of the board of appraisers. If the owner fails or refuses to appoint an appraiser or appraisers as and within the time limits hereinabove provided, the board may proceed to exercise all of the powers granted by KRS 96.550 to 96.900 without waiting for the expiration of all or any part of the time authorized for making the appraisal herein provided for.

(2) After the board shall have complied with the provisions of this section, it may proceed, in the manner and subject to the terms and conditions hereinafter in KRS 96.590 to 96.900 provided, to (a) enter into a contract with the owner for the purchase from the owner of the electric plant, (b) institute condemnation proceedings and acquire the electric plant by the exercise of the powers of eminent domain; provided, however, the board may not institute condemnation proceedings unless the owner of the electric plant refused to sell the electric plant to the board or the municipality at the purchase price fixed by the board of appraisers pursuant to the provisions of paragraph (1) of this Section 96.580.

The term "net earnings" as used in paragraph (1) of this Section 2 shall mean the amount remaining after deducting from total gross revenues of the electric plant (a) all city, district, county and state taxes levied on the electric plant, and (b) all operating and maintenance expenses exclusive of all taxes, and (c) reasonable depreciation applicable to said electric plant.

Section 3. That Section 96.600 of the Kentucky Revised Statutes be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

(1) When the board of any municipality authorized to acquire, construct, own or operate an electric plant under the provisions of KRS 96.550 to 96.900 shall be unable to contract with the owner of any land, easement, right-of-way, electric plant, or any facilities or property needed by such board for its use for the purposes thereof and desires to exercise the right of eminent domain, the board shall file in the office of the clerk of the county court a particular descrip-

tion of the property sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages which the owner or owners thereof may be entitled to receive, and thereupon said court shall appoint three (3) impartial housekeepers of the county who are land-owners and who shall be sworn to faithfully and impartially discharge their duties under this law.

(2) It shall be the duty of said commissioners to ascertain and determine the value of the property taken; the value of real estate, tangible personal property, intangible property and franchises, if any such value is found to exist, shall be determined and stated separately in their report; and they shall also award damages, if any, resulting to the remainder of the electric plant or sysetm of the owner, considering the purposes for which the property is taken, and the amount of said damages, if any, shall be stated separately in their report. In making its valuation of the electric plant, the commissioners shall be governed by the provisions of paragraph (1), Section 2, KRS 96.580, which provides the method to be followed by the board of appraisers in finding values of the plant. They shall return a report, in writing, to the office of the clerk of said court, stating their award, and shall describe in their report the property condemned, giving the name or names of the owners, and whether nonresidents of the state, infants, of unsound mind, or married women.

(3) Upon the application of said board, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owner or owners to show cause why the said report should not be confirmed, and shall make such orders as to nonresidents and persons under disability as are required by the Civil Code of Practice in actions against them in the circuit court.

(4) At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required in circuit court, it shall be the duty of the court to examine said report, and if it shall appear be in conformity to this law, and to the extent that no exceptions have

been filed thereto by either party, it shall confirm said report as against the owners not excepting.

Section 4. The provisions of Sections 96.550 to 96.900 Kentucky Revised Statutes are, and shall be, the complete, exclusive and only law of this State with respect to municipalities acquiring electric plants after June 1, 1942, operating electric plants acquired after June 1, 1942, and disposing of electric plants acquired after June 1, 1942, and all powers heretofore possesesd by any municipality under any other law heretofore enacted providing for the acquisition, operation and disposition of electric properties are hereby repealed and withdrawn with respect to the acquisition of electric properties after June 1, 1942, the operation of such properties acquired after June 1, 1942, and the disposition of such properties acquired after June 1, 1942, and Sections 96.170, 96.190, 96.520 and 96.530 KRS and all other acts and parts of acts either in conflict or inconsistent with the provisions of Sections 96.550 to 96.900 KRS, as amended by this act, to the extent of such conflict or inconsistency hereby are repealed.

Said Committee Amendments are as follows, viz.:

Amendment No. 1

Amend Senate Bill No. 48 in the House by striking from Section 2, subsection (1) on page 7 of the printed bill the following words from lines 32 to 39 thereof:

In determining the fair price for the electric plant the board of appraisers shall ascertain (1) inventory value of the real estate, tangible and intangible property, which value shall not be less than the cost of reproduction as a going concern, less reasonable depreciation; and (2) by capitalizing at not to exceed five (5%) percent the average annual net earnings derived by the owner from the operation of the property for the three (3) full fiscal years immediately preceding the date upon which the value is ascertained.

and substituting in lieu thereof the following:

In determining the fairprice of the electric plant the board of appraisers shall (1) ascertain the value of the real

estate, tangible and intangible property, which value shall not be less than the cost of reproduction as a going concern, less reasonable depreciation; and (2) ascertain the earning value of the electric plant by capitalizing the average annual net earnings derived by the owner from the electric plant for the five (5) full fiscal years immediately preceding the date as of which such valuation is to be determined, such capitalization of said average annual net earnings shall be at a fair rate to be determined by the board of appraisers.

Amendment No. 2

Amend Sente Bill No. 48 in the House by striking from Section 2, Subsection (2) on pages 8 and 9 of the printed bill the following words from lines 83 to 88 inclusive:

The term "net earnings" as used in paragraph (1) of this Section 2 shall mean the amount remaining after deducting from total gross revenues of the electric plant (a) all city, district, county and state taxes levied on the electric plant, and (b) all operating and maintenance expenses exclusive of all taxes, and (c) reasonable depreciation applicable to said electric plant.

and substituting in lieu thereof the following:

The term "net earnings" as used in paragraph (1) of this Section 2 shall mean the amount remaining after deducting from total gross revenues of the electric plant (a) all ad valorem taxes assessed on the electric plant for city, district, county and state purposes; (b) all State income taxes and all Federal income and excess profits taxes applicable to the earnings of the electric plant; (c) all operating and maintenance expenses applicable to the electric plant; and (d) reasonable depreciation applicable to the electric plant.

Amendment No. 3

Amend Senate Bill No. 48 in the House by striking all of Section 4 on pages 10 and 11 of the printed bill and substituting in lieu thereof the following:

Section 4. The provisions of Sections 96.550 to 96.900 Kentucky Revised Statutes are, and shall be, the complete,

exclusive and only law of this State with respect to municipalities acquiring and disposing of electric plants, and all acts and parts of acts in conflict with this Act to the extent of such conflict hereby are repealed.

Amendment No. 4

Amend Senate Bill No. 48 in the House by substituting, after the words "eminent domain" on line 77 of the printed bill, subsection (2) of Section 2, a period for the semicolon, and by striking from lines 77 to 82 on page 8 of the printed bill, the following:

"provided, however, the board may not institute condemnation proceedings unless the owner of the electric plant refused to sell the electric plant to the board or the municipality at the purchase price fixed by the board of appraisers pursuant to the provisions of paragraph (1) of this Section 96.580."

Mr. Waterfield offered the following amendment in lieu of Committee amendment No. 1, viz.:

Amend S. B. 48 on page 7, section 2 lines 32 to and including 49 by striking out the following words beginning with "end" to and including the word "Receivable" on line 49 thereof.

Mr. Myers raised the point of order that the amendment offered by Mr. Waterfield in lieu of Committee Amendment No. 1 was not germane.

The Speaker pro-tem rules that the point of order as raised by Mr. Myers was not well taken.

Mr. J. Lee Moore moved the Previous Question on said amendment.

Thereupon the Speaker pro-tem announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said amendment as offered by Mr. Waterfield in lieu of Committee Amendment No. 1, was then agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Ira W. Hulette	Amos Runyan
Roy W. Arnold	Kerby Jennings	J. W. Simmons
Harold L. Barnes	Homer E. Losey	Luther Slusher
F. H. Bassett, Jr.	A. L. Love	Forrest Smith
J. C. Bradley	F. G. Marquette	Paul J. Stapleton
Chas. W. Burnley	E. H. Martin	Ralph G. Stone
S. J. Daugherty	W. E. McClure	C. W. Taylor
L. A. Demumbrun	Jack McPherron	E. L. Thompson
E. R. Denny	J. Lee Moore	E. N. Todd
Adron Doran	Fred Morgan	Walter L. Trivette
Forest C. Easley	E. C. Mullins	Harry F. Walters
Eck Embry	Thos. A. Noe	W. W. Webster
Henry J. Giles	Joe E. Nunn	Geo. J. Weining
Tom Gilliam	Louis T. Peniston	Morris Weintraub
M. B. Gilligan	L. W. Preston	Lawrence Wells
E. R. Hilton	E. F. Prichard	Rodney Whitlow
Clyde S. Howard	Wade H. Riley	John Wilborn
Maurice Howard	Kelse H. Risner	Mr. Speaker

—54

Those who voted in the negative were—

Henry Arrowood	A. H. Eversole	Ed Marcum
Ott Begley	Otto W. Goff	J. L. Moore
W. G. Biggers	R. M. Hall	Joe T. Morgan
Jack Bingham	C. L. Hammonds	Rodes K. Myers
B. J. Bonn	Harold G. Helm	J. C. Newcomb
B. K. Brantley	Jerry F. Howell	Sylvester Phillips
John Y. Brown	W. H. Hunt	Hobart Rayburn
Mrs. Mary Burnett	Paul Jonas	E. A. Spencer
Alex. H. Calvert	L. H. Jones	Geo. W. Steinford
W. K. Coleman	B. F. Kincaid	L. S. Stephens
G. I. Drury	Edgar Kitchen	Ray G. Tipton
Bernie S. Edlin	H. K. Lowman	S. J. Wagner
R. R. Ernst	E. J. Lucas	Lyle H. Webb

—39

Mr. Waterfield offered the following amendment in lieu of Committee Amendment No. 2:

Amend S. B. 48 on pages 8 and 9 section 2, subsec. 2 line 83, 84, 85, 86 and 87 and 88 by striking all therefrom.

Said amendment as offered by Mr. Waterfield in lieu of Committee amendment No. 2 was then agreed to.

Mr. Waterfield offered the following amendment to Committee amendment No. 3:

Amend Committee Amendment No. 3 in the House by adding the following language at the conclusion thereof: "Provided, however, that no provision of sections 96.550 to 96.900 KRS shall be construed to deprive an municipality of any rights to acquire or dispose of electric plants where such right is conferred by a valid franchise or by a valid contract between such municipality and the owner of an existing electric plant, and shall not apply in any way to proceedings to acquire an electric plant started prior to the effective date of this Act."

Said amendment was agreed to.

Committee Amendment No. 3, as amended, was then agreed to.

Committee amendment No. 4 was then agreed to.

Mr. Waterfield offered the following amendment to said bill, viz.:

Amend S. B. 48 on page 5 and 6 section 1 lines 126 to and including 132 by striking all therefrom.

Mr. Prichard moved the Previous Question on said amendment.

Thereupon the Speaker pro-tem announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said amendment was then agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Kerby Jennings	Kelse H. Risner
Harold L. Barnes	Paul Jonas	Amos Runyan
F. H. Bassett, Jr.	G. O. Kirkpatrick	J. W. Simmons
J. C. Bradley	Homer E. Losey	Luther Slusher
Chas. W. Burnley	A. L. Love	Forrest Smith
S. J. Daugherty	F. G. Marquette	Paul J. Stapleton
L. A. Demumbrun	E. H. Martin	L. S. Stephens
E. R. Denny	W. E. McClure	Ralph G. Stone
Adron Doran	Jack McPherron	C. W. Taylor
Forest C. Easley	J. Lee Moore	E. L. Thompson
Eck Embry	Fred Morgan	E. N. Todd
Henry J. Giles	E. C. Mullins	Walter L. Trivette
Tom Gilliam	J. C. Newcomb	W. W. Webster
M. B. Gilligan	Thos. A. Noe	Geo. J. Weining
Harold G. Helm	Joe E. Nunn	Morris Weintraub
E. R. Hilton	Louis T. Peniston	Lawrence Wells
Clyde S. Howard	L. W. Preston	Rodney Whitlow
Maurice Howard	E. F. Prichard	John Wilborn
Ira W. Hulette	Wade H. Riley	Mr. Speaker

—57

Those who voted in the negative were—

Roy W. Arnold	A. H. Eversole	Ed Marcum
Ott Begley	Otto W. Goff	Harry L. Moore
W. G. Biggers	R. M. Hall	Joe T. Morgan
Jack Bingham	C. L. Hammonds	Rodes K. Myers
B. J. Bonn	Jerry F. Howell	Sylvester Phillips
B. K. Brantley	W. H. Hunt	Hobart Rayburn
John Y. Brown	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
W. K. Coleman	Edgar Kitchen	Ray G. Tipton
G. I. Drury	H. K. Lowman	S. J. Wagner
Bernie S. Edlin	E. J. Lucas	Lyle H. Webb
R. R. Ernst		

—34

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and rejected.

The following pair was announced:

Mr. Biggers, if voting, would vote in the affirmative,

Mr. Stapleton, if present and voting, would vote in the negative.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	R. R. Ernst	Ed Marcum
Ott Begley	A. H. Eversole	Harry L. Moore
Jack Bingham	Otto W. Goff	Joe T. Morgan
B. J. Bonn	R. M. Hall	Rodes K. Myers
B. K. Brantley	Jerry F. Howell	Sylvester Phillips
John Y. Brown	W. H. Hunt	Hobart Rayburn
Mrs. Mary Burnett	B. F. Kincaid	W. R. Smith
W. K. Coleman	Edgar Kitchen	Geo. W. Steinford
Fred Creasey	H. K. Lowman	Ray G. Tipton
G. I. Drury	E. J. Lucas	S. J. Wagner
Bernie S. Edlin		—31

Those who voted in the negative were—

C. W. Anderson	Forest C. Easley	J. J. Huff
Harold L. Barnes	Eck Embry	Ira W. Hulette
F. H. Bassett, Jr.	Henry J. Giles	Kerby Jennings
J. C. Bradley	Tom Gilliam	Paul Jonas
Chas. W. Burnley	M. B. Gilligan	Homer E. Losey
Alex. H. Calvert	C. L. Hammonds	A. L. Love
L. A. Demumbrun	E. R. Hilton	F. G. Marquette
E. R. Denny	Clyde S. Howard	E. H. Martin
Adron Doran	Maurice Howard	W. E. McClure

Jack McPherron	Wade H. Riley	E. N. Todd
J. L. Moore	Kelse H. Risner	Walter L. Trivette
J. Lee Moore	Amos Runyan	Harry F. Walters
Fred Morgan	J. W. Simmons	Lyle H. Webb
E. C. Mullins	Luther Slusher	W. W. Webster
J. C. Newcomb	Forrest Smith	Geo. J. Weining
Thos. A. Noe	Paul J. Stapleton	Morris Weintraub
Joe E. Nunn	L. S. Stephens	Lawrence Wells
Louis T. Peniston	Ralph G. Stone	Rodney Whitlow
L. W. Preston	C. W. Taylor	John Wilborn
E. F. Prichard	E. L. Thompson	Mr. Speaker

—60

Mr. Waterfield moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 28, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend O. L. Gilmore of the Northern Presbyterian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Harold L. Barnes	Jack Bingham
Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
Henry Arrowood	Ott Begley	J. C. Bradley
Walter J. Bailey	W. G. Biggers	B. K. Brantley

John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
Alex. H. Calvert
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
F. G. Marquette
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Peniston moved that the privilege of the floor be extended to Judge W. S. Prim.

Said motion was agreed to.

Mr. Stapleton moved that the privilege of the floor be extended to Mr. Henry Cook.

Said motion was agreed to.

Mr. McPherron moved that the privilege of the floor be extended to Judge Howard Ellis.

Said motion was agreed to.

Mr. Denny moved that the privilege of the floor be extended to Mr. and Mrs. Charles C. Carter.

Said motion was agreed to.

Mr. Burnley moved that the privilege of the floor be extended to Dr. Hugh Armstrong.

Said motion was agreed to.

Mr. Arnold moved that the privilege of the floor be extended to Judge Gillespie, Paul Morrow.

Said motion was agreed to.

Mr. Kitchen moved that the privilege of the floor be extended to Mr. Robert Jewell.

Said motion was agreed to.

Mr. Peniston moved that the privilege of the floor be extended to Captain L. G. Forquer.

Said motion was agreed to.

The Committees to which the same had been referred, reported bills and resolutions of the following titles, viz.:

By Mr. Bassett of the Committee on Public Health.

H. B. 300. An Act relating to public health.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Weining of the Committee on Cities of the First Class.

H. B. 419. An Act relating to the office of assessor in cities of the first class, etc.

H. B. 418. An Act relating to cities of the first class.

H. B. 406. An Act authorizing cities of the first class to provide public liability insurance for the police and fire departments.

By Mr. Lowman of the Committee on Military Affairs.

H. B. 410. An Act authorizing the establishment of memorials in honor of World War II veterans.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 346. An Act to regulate the practice of public accounting.

H. B. 399. An Act relating to compensation and travel allowance for members of the General Assembly.

S. B. 103. An Act to amend Sec. 403.030 KRS relating to actions for divorce.

By Mr. Calvert of the Committee on Agriculture No. 1.

H. B. 387. An Act regulating the propagation and keeping of bees, etc.

By Mr. Wagner of the Committee on State Fair.

H. B. 301. An Act relating to the State Fair Board.

With Committee amendments thereto.

By Mr. Creasey of the Committee on Cities of the Fifth Class.

S. B. 27. An Act relating to the police force in cities of the 4th and 5th classes.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Bassett of the Committee on Public Health.

H. B. 225. An Act relating to hospitalization and medical treatment and the use of hospitals and institutional facilities.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 390. An Act concerning the bonds of clergymen.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time and so said bills were rejected.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Messrs. Brantley, Taylor, Whitlow, Walters, Marquette, Wagner, Clyde Howard, Lucas, and W. R. Smith.

H. B. 476. An Act amending section 247.155 KRS.

Said bill is as follows viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.155 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

It shall be unlawful for any person to open, cause to be opened, carry on, conduct or operate as owner, proprietor or employe any gambling device or game of chance within the confines of the grounds of the Kentucky State Fair, during the period the State Fair is being held. Any person who violates any provision of this section shall be fined not less than fifty dollars nor more than five hundred dollars for each offense. Each day in which a gambling device or game of chance is so operated shall be considered a separate offense.

By Mr. Fred Morgan.

H. B. 477. An Act providing for a supplemental appropriation to the Secretary of State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated to the Secretary of State the sum of $1200.00 for the purpose of printing 2500 copies of the Constitution of the Commonwealth of Kentucky for free distribution.

Whereas, numerous requests from many sources, have been made for copies of the constitution and

Whereas, no copies of the constitution have been printed for over four years, and

Whereas, the present Secretary of State does not have and has not had any copies of the constitution available for distribution, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Wagner.

H. B. 478. An Act relating to public works in cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any city is authorized to use its own employees, equipment and materials to perform, accomplish and carry out all or any part of any public works project or program which the city has or may have authority to pay for by special assessments.

Section 2. In the event the city determines to use its own employees, equipment or materials on the whole or any part of any public works which is to be paid for by special assessment, the city shall keep an accurate record of the cost to the city of such use of its employees, equipment and materials and the city shall have the right to be reimbursed for said costs thereby incurred out of the proceeds of said special assessment.

Section 3. In the event the city uses its own employees, equipment or materials on the whole or any part of any special assessment public works, the city shall nevertheless have the same right and authority to make use of bonds, warrants, and other evidences of the obligation to make deferred payment of special assessments that it has in instances where it is not so using its own employees, equipment or materials, and said evidences of the obligation to make deferred payment of special assessments shall be used in like fashion as if the city was an independent contractor authorized and entitled to be paid from such deferred payments.

Section 4. Nothing in this act shall be construed as a permission to any city to abridge and contract whereunder the city has committed itself to use other employees, equipment or materials than its own to accomplish the whole or such part of any public works.

Section 5. This act shall be liberally construed to accomplish its purpose of authorizing any city, when it deems it advantageous to do so, to make use of its own employees, equipment and materials on special assessment public works the same as it uses said employees, equipment and materials on other public works, without detracting in any wise from the use of special assessments to pay for the cost thereof and without disturbing the legislative field of special assess-

ments except so far only as necessary to conform with the provisions of this act.

By Mr. Wagner.

H. B. 479. An Act relating to municipal hospitals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 216.080 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the second, third, fourth or fifth class may, under the provisions of KRS 216.090 to 216.240, purchase, establish, erect, acquire, maintain and operate a municipal hospital and necessary appurtances thereto, within or without the corporate limits of the city, for the purpose of supplying the city and its inhabitants with modern and sanitary hospital facilities.

2. Section 216.090, subsection (1), of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any city of the second, third, fourth or fifth class may purchase, establish, erect, acquire, maintain or operate a municipal hospital, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the hospital. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance if a number of legal voters of the city equal to twenty-five percent of the total number of votes cast in the city at the last regular election file a petition within ten days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city.

3. Section 216.100 of the Kentucky Revised Statutes is amended to read as follows:

Except where an election has been held under KRS 216.090 and the proposition has been defeated, any city of the second, third, fourth or fifth class may, by ordinance, borrow money and issue negotiable bonds for the purpose of defraying the cost of purchasing, establishing, erecting and acquiring a municipal hospital and necessary appurtenances thereto. The ordinance shall specify the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance shall further provide that the proposed hospital, with necessary appurtenances thereto, is to be purchased, established, erected or acquired pursuant to the provisions of KRS 216.080 to 216.240.

4. Section 216.240, subsection (1), of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the second, third, fourth or fifth class purchasing, establishing, erecting or acquiring a municipal hospital under the provisions of KRS 216.080 to 216.230 shall by ordinance provide for the appointment of a commission of seven members to operate, manage and control the municipal hospital, which commission shall be known as the "Municipal Hospital Commission." The commission shall provide rules, regulations and by-laws for the management of the municipal hospital and shall, out of the revenue of the hospital, pay necessary operating expenses, repairs and additions thereto, and provide a sufficient reserve fund to insure that the hospital is kept in repair and in safe and sanitary condition and to provide against any emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the hospital as provided in KRS 216.160.

By Mr. Arnold.

H. B. 480. An Act providing for the licensing of persons engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry, under certain conditions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That every person who has had professional training, in, or who has served as assistant to an established veterinarian in the practice of his profession, and who has been a practitioner of veterinary medicine, veterinary surgery or veterinary dentistry in this Commonwealth for the period of one year prior to July 1, 1916, shall upon application and payment of the fee provided by Section 321.C40(2) KRS, be entitled to a license without first having taken an examination; and the Board shall issue him a certificate thereof.

SECTION 2. That, because of the length of time required for prospective veterinarians to obtain their professional education; and because of the shortage of licensed veterinarians in this Commonwealth, an emergency is hereby declared and this Act shall take effect immediately upon its passage and approval.

By Mr. Denny.

H. B. 481. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.040 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number, the information included in the application and such other information as may be prescribed by the Department of Revenue, and two plates bearing the registration number. If, however, the department finds that materials, suitable for making plates at a cost that will permit the economical administration of KRS 186.020 to 186.260, are not available in sufficient quantity to furnish each owner two plates, then the department may provide by regulation, with the approval of the Governor, that only one

plate be issued to each owner; and, if the department finds that such material is not available in sufficient quantity to furnish each owner one plate, then the department may in the same manner provide that a plate or plates previously issued shall continue in use for a designated subsequent period. For services performed, the owner shall pay the county clerk the sum of fifty cents for each registration in addition to the registration fee.

"(2) For the registration year of 1946, only one plate shall be displayed together with the prescribed insignia as is now provided by regulation by the department."

Section 2. Subsection (1) of Section 186.170 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The owner shall have the receipt issued by the department through the clerk constantly in his possession, and he shall attach the plates issued to him conspicuously upon the front and rear of the motor vehicle; or, if the use of only one plate is authorized under KRS 186.040, it shall be attached conspicuously upon the rear of the motor vehicle. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030. If the department prescribes, as provided in KRS 189.030, that plates issued for any year shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year. It shall be the duty of the owner to attach name in the prescribed manner and no person may operate a motor vehicle unless such insignia is so affixed upon it. The department shall have placed on said insignia either figures, letters, writing, marks or a combination thereof, which indicate that the motor vehicle has been registered and which in conjunction with the records of the department make identity of the registrant readily ascertainable."

By Messrs. Doran, and Ernst.

H. B. 482. An Act relating to the Selection and Adoption of Textbooks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. On or before July 1, 1948 the Superintendent of Public Instruction shall classify the elementary and secondary school subjects included in the state course of study as prescribed by the State Board of Education, under eight subject fields as follows: (1) English, (2) Mathematics, (3) Social Science, (4) Science and Health, (5) Vocational, (6) Commercial, (7) Fine Arts, and (8) Foreign Languages. A State Textbook Selecting Committee consisting of seven members shall be appointed for each adoption for each of the eight subject fields. The State Textbook Selecting Committee shall be appointed by the State Board of Education upon recommendation of the Superintendent of Public Instruction.

On or before January 15 of each year, Textbook Selecting Committees shall be appointed according to the provisions of this Act, to select textbooks in those subject fields in which contracts for textbooks are to expire during the succeeding year.

Section 2. Members of the State Textbook Selecting Committees shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institution of higher education. Five members of each committee shall be classroom teachers actively employed in public schools of Kentucky as teachers in the subject field for which that committee will select books. One member shall be a school superintendent, principal, or supervisor, and one member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the committee or committees for each adoption the Superintendent of Public Instruction shall give due regard to representation from rural and urban areas and to both elementary and

secondary levels when both educational levels are included in the subject fields for which adoptions are to be made.

Section 3. It shall be the duty of each Textbook Selecting Committee to take into account the need of the various types of school organizations and to select not more than ten books or series of books and not less than five books or series of books for each subject in the Committee's field, provided that as many suitable ones as are indicated above are submitted for their consideration. In the event that fewer than ten books or series of books are submitted, the committee shall recommend all that are considered by the Committee to be suitable.

Not later than February 15 of each year, the Superintendent of Public Instruction shall call these committees into session at the State Capitol, at which session they shall organize and proceed under rules and regulations formulated by the State Board of Education; provided that the final report of the selecting committees shall be presented to the Superintendent of Public Instruction not later than November 1 of the succeeding school year. Members of the Selecting Committees shall serve without remuneration except reimbursement for their actual expenses while attending committee meetings. The term of office of each committee shall be from date of appointment to date of final adoptions by the State Board of Education in the subject field for which said committee was appointed.

Section 4. Within thirty days after the receipt of the recommended list of books the Superintendent of Public Instruction shall present this list to the State Board of Education at a regular or called meeting at the State Capitol. It shall be the duty of the State Board of Education to review the work of the Selecting Committees and to reject any book or series of books which in the judgment of the Board may be unsuitable for use in the schools of Kentucky or improperly made or excessive in cost. The Board shall submit in writing at the time of rejection the reasons for the rejection which reasons shall be made public. The Board shall then require the Selecting Committee to make substitute selections for any rejected books. The State Board of Education

shall prepare a list of the books adopted and the Superintendent of Public Instruction shall publish same and send a copy to the Superintendent of each county and each independent school district in Kentucky on or before January 1.

The State Board of Education shall make and execute contracts for the selected books with the publishers within fifteen days of the approval of the books recommended by the Selecting Committees. Except for the adoptions in 1950 described hereafter in this Act, all contracts shall run for six years.

The Board of Education of each county and independent school district shall not later than January 1 of any adoption year appoint upon recommendation of the Superintendent of Schools a committee or committees, which shall include teachers actively engaged in teaching in the subject fields for which they are to select books. No committee for any subject field for which adoptions are to be made shall exceed seven members. This committee of these committees shall be known as the Local Textbook Selecting Committee or Committees.

Section 5. It shall be the duty of the Local Textbook Selecting Committees to select from the multiple list recommended by the State Textbook Selecting Committee and adopted by the State Board of Education, one basal text for each grade subject to the subject fields for which selections are to be made provided, however upon recommendation of the superintendent of schools and approval by the local board of education, three basal texts may be selected for each grade in the subject of reading.

The Local Textbook Selecting Committee shall report their selections to the superintendent of schools not later than March 1 of the adoption year. Within ten days of the receipt of the list of books selected by the Local Textbook Selecting Committee the superintendent of schools shall recommend to the local board of education at a regular or called meeting a list of textbooks for use in the school district. The local board of education may reject any book or series of books which in the judgment of the board may be unsuited for use in the schools of the district provided that

the board shall state in writing at the time of rejection the reasons for rejection. The board shall then require the Local Selecting Committee and superintendent to make substitute selections for any rejected books.

After the local board of education has adopted the basal textbooks for use of the district and not later than April 1, the superintendent of schools shall send the Superintendent of Public Instruction a complete list of books so adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 6. In order to arrange the schedule of adoptions so that not more than two subject fields may be open for adoption in any year after the adoption in 1950, the adoptions and contract terms in 1950 shall be as follows:

Adoptions in the field of Social Science shall be made in 1950 and the period of adoption shall be for six years.

Adoptions in the field of Science and Health shall be made in 1950 and the period of adoption shall be for five years.

Adoptions in the field of English shall be made in 1950 and the period of adoption shall be for four years.

Adoptions in the field of Mathematics shall be made in 1950 and the period of adoption shall be for three years.

Adoptions in the field of Vocational and Commercial subjects shall be made in 1950 and the period of adoption shall be for two years.

Adoptions in the field of Fine Arts and Foreign Languages shall be made in 1950 and the period of adoption shall be for one year.

Provided however in 1950 not more than one half of the textbooks in use in any subject field may be changed with the exception of Social Science, and provided further, that all state adopted textbooks in use at the time shall be included on the multiple list adopted by the State Board of Education, if same are submitted.

Upon expiration of the periods of adoptions in each of the above fields, adoptions shall be made for a period of six years.

Section 7. Any person desiring to offer textbooks for adoption and use in the public schools of Kentucky, shall before such textbooks may be lawfully adopted by the State Board of Education or purchased by any board of education, comply with the following conditions: Such person shall file with the Superintendent of Public Instruction:

(a) Copies of all textbooks which such person desires to offer for adoption and use, together with sworn statement of the list price, the lowest net wholesale price and the lowest net exchange price at which each of such books is sold in any adopting unit.

(b) Copies of any revision or special editions of any such textbooks and a statement describing exactly and in detail each and every point of difference from the regular edition filed and the list price, the lowest wholesale price and the lowest net exchange price at which such revisions or special edition is sold in the United States.

(c) A fee of five dollars ($5.00) for each book filed except where a series of books is filed, in which case he shall pay Five dollars ($5.00) for the first book of the series and one dollar ($1.00) for each additional book of the series. The fee provided by this section shall be paid at each and every adoption or readoption period. The fees received under the provisions of this section shall be placed in the State Treasury to the credit of a revolving fund to be used to cover the cost of compiling and publishing lists of books, for necessary expenses of the State Textbook Selecting Committees and for other costs of administering the provisions of this act. If, and when, the balance of this fund, in the judgment of the State Board of Education, exceeds that which is necessary for the aforesaid purposes, the excess, upon the action of the State Board of Education, shall be transferred to the general fund of the state.

(d) A bond, running to the Commonwealth of Kentucky with a responsible surety company authorized to do business in the Commonwealth of Kentucky as surety therein, in a sum to be determined by the State Board of Education, but not less than two thousand dollars ($2,000.00) nor

more than ten thousand dollars ($10,000.00) conditioned as follows

(1) That such person will furnish any of the books listed in such statement for a period of the complete adoption to any school district in the State of Kentucky or to any dealer appointed by such district, at the lowest net wholesale price contained in said statement, f. o. b. the publisher's nearest shipping point.

(2) That such person will automatically reduce such price in Kentucky whenever reductions are made anywhere in the United States, so that at no time shall any book so filed and listed as above provided be sold in Kentucky at a higher net wholesale price than is received for such book elsewhere in the United States.

(3) That in case such person prepares an abridged or special edition of any book so listed by him and sells such special edition elsewhere at a lower net wholesale price than the net wholesale price set out in the above statement, such person shall file a copy of such special edition together with the price thereof, in a supplemental statement with the Superintendent of Public Instruction.

(4) That all books sold in the Commonwealth of Kentucky shall be equal to and identical with the specimen books deposited in the office of the Superintendent of Public Instruction, as above provided, as regards size, paper, binding, print, illustrations, subject matter, and other particulars which may affect the value of textbooks; provided that if any adopted textbook is revised for the purpose of improving it or including new materials, the person furnishing the book to the schools of Kentucky shall file a copy of the revised book with the Superintendent of Public Instruction, who is hereby authorized to determine whether or not the book as revised may be used instead of the original copy. The contract price shall not be increased by such change.

(5) That such person shall not enter into any agreement, understanding, or combination to control the price of textbooks or to restrict competition in their sale in the Commonwealth of Kentucky.

The form of such sworn statement and such bond shall be approved by the Attorney General. Such bond shall be in force for the adoption period for which a book is offered. Such person may at any time while such bond is in effect, file a supplemental statement covering additional books or special editions of books already filed, which supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond, such person may file a new statement and bond for a new adoption period, but if he fails to do so, his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire on the date of expiration of the former bond.

Section 8. After July 1, 1950, no textbook shall be used in any public school in Kentucky as a basal textbook, unless it has been approved and adopted according to the provisions of this Act. But nothing in this Act shall apply to the supplementary books as may be needed from time to time.

Section 9. Each board of education in the Commonwealth may appoint a dealer, or dealers, to act as official retail agent, or agents, for the sale of books for use in such schools district, or any school unit may purchase and distribute books, etc., to its own patrons instead of having an agent or dealer to handle the books. Publishers whose books have been adopted under the provisions of this Act, shall furnish such books either through such official retail agents, or through respective boards of education at the lowest net wholesale price and the lowest net exchange price listed with the Superintendent of Public Instruction, f. o. b. the publishers' nearest shipping point. Such official retail agent, or agents, shall give a reasonable bond, if required, to respective publishers who have contracts to furnish adopted books. All orders given by such retail agent, or board of education, shall be promptly filled. Such official retail agent, or agents, shall sell such books at not more than 15 (fifteen) per cent in excess of the net wholesale price. Where old books, displaced by a new adoption, are offered by pupils in exchange for the corresponding new books, such new book shall be offered at a

price not to exceed by more than 15 (fifteen) per cent the net exchange price listed by the publisher. If any such agent violates the requirements of this Act, or fails to give reasonable bond requested by any publisher, the board of education that appointed such agent, by giving notice prior to May 1 in any year, may revoke the appointment of such agent on July 1 of that year. When an agent or dealer's permit is revoked or terminated by mutual agreement or otherwise all textbooks as per inventory of the dealer or agent must be paid for at wholesale price by the company, firm, or individual from whom such textbooks were purchased, provided such textbooks are of the lawful adoption.

Section 10. It shall be the duty of the superintendent of schools in each district to notify the Superintendent of Public Instruction of any violation by the publisher of any of the conditions in the publisher's bond on file with the Superintendent of Public Instruction. If the Superintendent of Public Instruction finds that such violation has occurred, he shall instruct the Attorney General to bring suit thereon against the publisher. In case judgment is received, any sum paid on such bond shall be placed to the credit of the general school fund of the Commonwealth.

Section 11. When a pupil removes from any school district, the board of education of such district shall purchase from such pupil, if requested so to do, the textbooks owned by the pupil and in actual use at the time by the pupil in such district. The price to be paid shall be based upon condition of the books, and the same may be sold by the board of education, or furnished to indigent children in such district.

Section 12. No person shall secure or attempt to secure the adoption of any school textbook or books in any school district in the Commonwealth by rewarding or promising to reward, directly or indirectly, any person in any public school in the Commonwealth. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook or books to be used in the Commonwealth.

Section 13. No superintendent, teacher, or other official, or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction, as provided by law. Such sample textbooks as may be submitted to members of the State Board of Education for examination shall continue to be the property of the bidder if claimed within 30 days after adoption or shall be sold by the State Board of Education and the money covered into the state school fund.

Penalty for violation of Act.

Section 14. Any person violating any of the provisions of this Act shall, on conviction thereof, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed three months, or by both such fine and imprisonment.

Section 15. Sections 156.260 to 156.380 inclusive, and subsection (2) of Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Phillips.

H. B. 483. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 150.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take, pursue or molest any elk, deer, wild turkey or bear except as permitted by subsection (2) of this section.

(2) There shall be an open season on European red deer in the counties of Bullitt, Hardin, Jefferson and Nelson from December 15 to December 22. The director may issue permits to take European red deer, and permits and tags to possess such deer, as he deems to be to the best interest of the division's deer propagation program. Any licensed hunter who secures the special deer permit shall be eligible

to hunt European red deer as provided in this subsection. It shall be unlawful to hunt or kill deer without the required special permit or tag. The fee for the required permit shall not exceed ten dollars, and the fee for a possession permit or tag shall not exceed ten dollars.

§ 2. (1) Whenever any person has reason to make claim against the Commonwealth of Kentucky by reason of damage done to his property by deer, turkey or other animal or bird, for which the Commonwealth is legally responsible, he shall notify an authorized agent of the Division of Game and Fish within seventy-two hours of the discovery of the damage. The division may then appoint an agent to view and appraise such damage with the claimant, to agree on a fair valuation of the damage.

(2) Nothing in this section shall be construed as preventing any claimant for damages from petitioning the General Assembly for permission to sue the Commonwealth, providing he has complied with the provisions of subsection (1) of this section but has been unable to agree with the division as to the amount of compensation for damages claimed or has not been compensated.

By Messrs. Phillips and Anderson.

H. B. 484. An Act to prohibit discrimination, because of sex, in the payment of wages.

Said bill is as follows, viz.:

Be it enacted by the General Asesmbly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, "occupation" means an industry, trade, or business or branch thereof in which persons are gainfully employed, except domestic service in the home of the employer or labor on a farm.

Sec. 2. An employer of persons in any occupation shall not discriminate against a female employe, by paying her a smaller rate of wage than he pays a male employe for like work. A differential in wages based in good faith on a factor or factors other than sex shall not constitute discrimination within the meaning of this section.

Sec. 3. If an employe is discriminated against in violation of Section 2 of this Act, she may recover from the employer in a civil action the full amount of compensation that she would have received had she not been discriminated against, less the amount of compensation actually paid to her by the employer, together with costs and such reasonable attorney fees as are allowed by the court. Any agreement between the employe and employer to work for the wages actually paid shall be no defense to the action. At the requisition of any employe discriminated against in violation of Section 2 of this Act, the Commissioner of Industrial Relations may take an assignment of the employe's wage claim in trust for the employe and she may bring any action necessary to collect the claim. The employer shall be required to pay the costs and such reasonable attorney fees as are allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action.

Sec. 4. Any employer who violates Section 2 of this Act shall be fined not less than fifty dollars nor more than two hundred dollars, or be imprisoned not less than ten days nor more than ninety days, or both. Each day in any week of which Section 2 of this Act is violated shall constitute a separate offense.

By Mr. Bassett.

H. B. 485. An Act relating to aviation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 183.160 KRS is amended to read as follows:

(1) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The commission shall, upon the appointment of its members, organize and elect officers. It shall elect a chairman from

its members to serve for one year, and it shall annually elect thereafter a chairman.

(2) The board shall employ necessary agents, attorneys and employees to carry out its work and functions, and to prescribe such rules and regulations as it deems necessary.

Section 2. Section 183.180 KRS is amended to read as follows:

(1) The board may, by a resolution reciting that property within the city or county is needed for purposes contemplated by KRS 183.150, direct the condemnation of such property.

(2) Condemnation proceedings shall be conducted in the name of the board by the city or county attorney who shall be the local representative of the board, or by special counsel employed for such proceedings.

(3) The procedure for the condemnation shall conform to the procedure set out in KRS 416.120.

Ordered that said bills and resolutions be printed and referred.

Mr. Tipton moved that a bill entitled:

H. B. 248. An Act creating a Board of Claims.

Which was reported by the Committee on Claims on February 8, with the expression of opinion that said bill ought not to pass

Be recommitted to the Committee on Claims.

Said motion was agreed to.

Mr. Clyde Howard moved that when the House adjourns tomorrow, it adjourn to meet again on Monday, March 4, at eight o'clock p. m.

Said motion was agreed to.

Mr. Arnold moved that resolutions entitled:

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

H. Res. 56. Resolution authorizing Sarah Near to sue the Commonwealth.

Which were reported by the Committee on Claims on February 21, with the expression of opinion that said resolutions ought not to pass,

Be recommitted to the Committee on Claims.

Said motion was agreed to.

Mr. Whitlow moved that a bill entitled:

H. B. 278. An Act relating to county school superintendents.

Which was reported by the Committee on Education on February 27, with the expression of opinion that said bill ought not to pass,

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Denny	C. L. Hammonds
Roy W. Arnold	G. I. Drury	Harold G. Helm
Walter J. Bailey	Forest C. Easley	Maurice Howard
Ott Begley	Eck Embry	J. J. Huff
Jack Bingham	R. R. Ernst	L. H. Jones
John Y. Brown	A. H. Eversole	B. F. Kincaid
Fred Creasey	Henry J. Giles	G. O. Kirkpatrick
S. J. Daugherty	Tom Gilliam	Edgar Kitchen
L. A. Demumbrun	R. M. Hall	A. L. Love

E. H. Martin	Rodes K. Myers	Geo. W. Steinford
W. E. McClure	Joe E. Nunn	E. L. Thompson
Jack McPherron	Sylvester Phillips	Ray G. Tipton
Harry L. Moore	Hobart Rayburn	W. W. Webster
J. L. Moore	Wade H. Riley	Morris Weintraub
Fred Morgan	J. W. Simmons	Lawrence Wells
Joe T. Morgan	E. A. Spencer	Rodney Whitlow
E. C. Mullins	Paul J. Stapleton	John Wilborn

—51

Those who voted in the negative were—

Henry Arrowood	M. B. Gilligan	Kelse H. Risner
Harold L. Barnes	Otto W. Goff	Amos Runyan
F. H. Bassett, Jr.	E. R. Hilton	Luther Slusher
W. G. Biggers	Clyde S. Howard	Forrest Smith
B. J. Bonn	Jerry F. Howell	W. R. Smith
J. C. Bradley	Ira W. Hulette	C. W. Taylor
B. K. Brantley	W. H. Hunt	E. N. Todd
Mrs. Mary Burnett	Paul Jonas	Walter L. Trivette
Chas. W. Burnley	H. K. Lowman	S. J. Wagner
Alex. H. Calvert	F. G. Marquette	Harry F. Walters
Adron Doran	L. W. Preston	Geo. J. Weining
Bernie S. Edlin		

—34

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

Mr. Myers offered the following resolution, viz.:

H. Res. 102. Whereas, the gentleman from the City of Owensboro and his lovely wife have given to the State of Kentucky a beautiful young lady at two minutes after twelve o'clock midnight, on February 28th, 1946, and

Whereas, they have seen fit to give her the name of Sally Ann Gilliam, and

Whereas, the gentleman from the City of Owensboro is the only member of the General Assembly at this date to be blessed with a child while the General Assembly is in session, now therefore

Be It Resolved by the House of Representatives that Sally Ann Gilliam be named by this body as an Honorary Page for the remainder of the session, and

That the Governor of the Commonwealth grant our request by appointing her a Kentucky Colonel with her official military duties being that as "Colonel of the General Assembly of Kentucky."

Said resolution was adopted.

The Speaker announced that he had referred bills heretofore introduced or reported to this House as follows, viz.:

House Bill No. 393—Committee on Alcoholic Liquor Control No. 1

House Bill No. 431—Committee on Roads and Highways No. 1

House Bill No. 434—Committee on Fish & Game

House Bill No. 435—Committee on Education

House Bill No. 436—Committee on Ways & Means

House Bill No. 437—Committee on Revenue & Taxation

House Bill No. 438—Committee on Agriculture No. 1.

House Bill No. 441—Committee on Ways & Means

House Bill No. 442—Committee on Ways & Means

House Bill No. 443—Committee on State Fair

House Bill No. 444—Committee on Cities of Second Class

House Bill No. 445—Committee on Public Health

House Bill No. 446—Committee on Ways & Means

House Bill No. 447—Committee on Courts

House Bill No. 449—Committee on Revenue & Taxation

House Bill No. 450—Committee on Suffrage & Elections

House Bill No. 451—Committee on Kentucky Statutes

House Bill No. 452—Committee on Ways & Means

House Bill No. 453—Committee on Revenue & Taxation

House Bill No. 454—Committee on Kentucky Statutes

House Bill No. 455—Committee on Labor

House Bill No. 456—Committee on Appropriations

House Bill No. 457—Committee on Revenue & Taxation

House Bill No. 458—Committee on Ways & Means

House Bill No. 459—Committee on Mines & Mining

House Bill No. 460—Committee on Appropriations

House Bill No. 461—Committee on Alcoholic Liquor Control No. 2

House Bill No. 462—Committee on Alcoholic Liquor Control No. 2

House Bill No. 463—Committee on Fish & Game

House Bill No. 464—Committee on Revenue & Taxation

House Bill No. 465—Committee on Revenue & Taxation

House Bill No. 466—Committee on Revenue & Taxation

House Bill No. 422—Committee on Alcoholic Liquor Control No. 2.

Senate Bill No. 135—Committee on Cities of the First Class

House Bill No. 467—Committee on Revenue & Taxation

House Bill No. 468—Committee on Kentucky Statutes

House Bill No. 469—Committee on Veterans' Legislation

House Bill No. 470—Committee on Compensation for Industrial Injuries

House Bill No. 471—Committee on Compensation for Industrial Injuries

House Bill No. 472—Committee on Ways & Means

House Bill No. 473—Committee on Cities of Fifth Class

House Bill No. 474—Committee on Revenue & Taxation

House Bill No. 475—Committee on Revenue & Taxation

Senate Bill No. 77—Committee on Jud. Council

Senate Bill No. 78—Committee on Banks & Banking

Senate Bill No. 115—Committee on Appropriations

Senate Bill No. 125—Committee on Revenue & Taxation

Senate Bill No. 133—Committee on Cities of First Class

Senate Bill No. 134—Committee on Cities of First Class

Senate Bill No. 143—Committee on Compensation for Industrial Injuries

Senate Bill No. 150—Committee on Compensation for Industrial Injuries

House Res. No. 83—Veterans

A message was received from the Senate, announcing that they had passed bills and resolutions which originated in that body, entitled:

S. B. 119. An Act relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. In addition to the deductions permitted by KRS 141.080, the following deductions from gross income shall be allowed to all taxpayers:

(a) All expenses over $50.00, for any medical, hospital or dental expenses paid during the taxable year, for the taxpayer, spouse or a dependent, for which he is not compensated for by insurance or otherwise. The maximum amount of such deduction shall not exceed five hundred dollars for the taxable year.

(b) All funeral expenses paid during the taxable year, for a spouse or a dependant or close relative, not to exceed five hundred dollars.

(c) All payments of alimony made during the taxable year, to the extent only as such payments are allowed to be deducted under the Federal income tax law in effect on January 1, 1946; provided, however, that such payments shall be included in the gross income of the recipient to the same extent as required under the Federal income tax law in effect on January 1, 1946.

Sec. 2. Subsection (2) of section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following exemptions, chargeable against the first bracket or brackets of income, shall be allowed to individuals reporting income as required by this chapter:

(a) In case of a single person, or a married person not living with husband or wife, the personal exemption shall be one thousand dollars.

(b) In case of a head of a family or of a husband and wife living together, the personal exemption shall be two

thousand five hundred dollars. A husband and wife living together shall receive but one personal exemption of two thousand five hundred dollars against their aggregate income.

(c) For each person, other than the husband or wife, dependent upon and receiving his chief support from the taxpayer during the taxable year, if the dependent person did not have an income of over $400.00 during the year, the personal exemption shall be four hundred dollars.

S. B. 128. An Act relating to the Division of Forestry.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 146.050 of the Kentucky Revised Statutes is amended to read as follows:

"The Division of Forestry, headed by a director, under the supervision of the Commissioner of Conservation, shall exercise all functions relating to the protection, conservation and maintenance of forest preserves or forest areas controlled by the state. The director shall be a graduate of a recognized college of forestry, and shall have had at least five year's experience in forestry work including administrative responsibilities and duties."

S. B. 129. An Act providing for the restoration and use of the Old Governor's Mansion.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Old Governor's Mansion, located at Clinton and High streets in Frankfort, Kentucky, shall be restored, preserved, and used as a state museum, under the control of and subject to reasonable regulations of the Kentucky Historical Society.

S. B. 154. An Act concerning armories.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the Department of Military Affairs out of the General Expenditure Fund for each of the fiscal years ending June 30, 1947, and June 30, 1948, the sum of one hundred thousand dollars ($100,000) for the purpose of constructing, reconstructing, acquiring, maintaining, renting, supplying, equipping, insuring and providing armories for the use of the Armories Division.

Section 2. Due to the uncertainty of obtaining materials, equipment and labor at the time of the passage of this Act, it is the intention of the General Assembly that any unexpended balance of the appropriation of one hundred thousand dollars ($100,000) for the fiscal year ending June 30, 1947, made by Section 1 of this Act shall not revert to the General Expenditure Fund, but shall continue to the next fiscal year ending June 30, 1948.

Section 3. KRS 36.080 (3) shall not apply to armories constructed by or rented from the Commonwealth of Kentucky Military Department Armory Corporation, organized under the laws of Kentucky July 10, 1939.

Section 4. Nothing in this Act shall be construed to repeal any appropriation to the Department of Military Affairs for the fiscal year ending June 30, 1946. The appropriation made by Section 1 of this Act shall not replace any other appropriation to the Department of Military Affairs for the fiscal biennium ending June 30, 1948, which may be passed by this session of the General Assembly, but shall be in addition to all sums heretofore or that may be hereafter appropriated to the Department of Military Affairs for other purposes.

S. B. 158. An Act making provision for the disposition of money or property involved in actions in which there are unknown defendants.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In any action in which a person who is unknown and who is made a party to the action as an unknown defendant will, if existing, be entitled to a share in money or property to be divided or distributed in such action, the court may, if of the opinion that such person does not exist, adjudge that the share to which such person would have been entitled be awarded to the parties who would be entitled to the same in case of the nonexistence of such person.

(2) In any action in which there is a party defendant whose identity is known but whose whereabouts is unknown, and who, if living, or whose spouse or issue, if living, would be entitled to a share in money or property to be divided or distributed in the action, the court may, if the facts are such as to justify the application of the statutory presumption of death arising from seven years' absence, adjudge that the party is dead, and if there is no proof of his having been survived by a spouse and issue, or either, the court may adjudge that he died without spouse or without issue, or without either spouse or issue, as the case may be, and may then adjudge that the share in question be awarded to the parties who would be entitled to the same under the adjudged facts.

(3) Where money or property has been awarded to a party by a judgment entered pursuant to subsection (1) or (2) of this section, the court may order the money or property to be delivered forthwith to the party to whom it was awarded, if such party gives bond, with surety approved by the court and in a penal sum fixed by the court, conditioned that if, within five years from the date of the judgment, such unknown person, or such person whose whereabouts was unknown, or a surviving spouse or issue of either such person, appears and makes application for a vacation or modification of that judgment, such party will restore, without interest, so much of the money or property, or its value, as is adjudged to be restored. If bond is not given the court shall retain control over and preserve the money or property, or the proceeds thereof, for a period of five years from the date of the judgment. In either case, if the unknown person, or the person whose whereabouts was unknown, or a surviving spouse or issue of either such person, fails to appear and

make application for a vacation or modification of the judgment within the five-year period, his rights shall be forever barred.

S. B. 172. An Act relating to the operation of electric and water systems, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The provisions of this Act shall not apply in the case of any municipality of the third class now operating an electric or water system or plant under any existing law; but the governing body of any municipality of the third class now or hereafter owning an electric and water system and operating them as one combined system or plant may elect to operate under the provisions of this Act, in which case, from the time of the exercise of such election and the appointment of a board hereunder, the electric and water system of such municipality shall be operated under the provisions of this Act as an electric and water plant.

Section 2. Any municipality of the third class now or hereafter owning and operating an electric system and a water system and operating them as one combined system or plant may elect to operate such systems as an electric and water plant under the provisions of this Act by enacting an ordinance declaring therein the desire and intention of the municipality to accept and operate its electric and water system or plant under the provisions of this Act and by providing in said ordinance that the municipality accepts and agrees to all of the provisions of this Act. The ordinance shall further authorize the mayor or chief executive to appoint a board subject to the approval of the appointments by the governing body of the municipality. Upon the passage of such ordinance the mayor or chief executive of any such municipality, shall with the approval of the governing body of the municipality, appoint a board of public utilities, consisting of five (5) citizens, taxpayers, voters, and users of electric energy or water. Said board shall be appointed and

qualified before the municipality shall have any authority to proceed further under the provisions of this Act. Said board, when so appointed and qualified, shall be and hereby is declared to be a body-politic and corporate, with perpetual succession; and said board may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The name of the board shall be "ELECTRIC AND WATER PLANT BOARD OF THE CITY OF ....., KENTUCKY."

(2) No person shall be appointed a member of the board who has, within two years next before his appointment, held any public office, or who is related within the third degree to the mayor or any member of the governing body of the municipality.

(3) Neither the board, nor the superintendent appointed by the board as hereinafter provided, shall appoint to any subordinate office which it may create, nor employ in any capacity any person who is related within the third degree to any member of the board or to the superintendent or to the mayor of said municipality or to any member of the governing body of the municipality. No officer or employee of a municipality shall be eligible for such appointment until at least one (1) year after the expiration of the term of his office or employment.

(4) The members of the board shall be citizens, taxpayers, voters and users of electric energy or water, and shall not at the time of their appointment be indebted to the municipality either directly or indirectly or be surety on the official bond of any officer of said municipality.

(5) If at any time during his term of office a member of the board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership from the board, and another person shall be appointed to his place.

(6) Each member of said board shall execute bond, in an amount required by the governing body of the municipality by resolution or ordinance, conditioned upon the faithful performance of their official duties. The surety on said bonds shall be a surety company qualified to do business in

Kentucky. The cost of said bonds shall be charged as an operating expense and paid by the board.

(7) Each member of the board shall qualify by taking the oath required by Section 228 of the Constitution.

Section 3. (1) The salary of each member of the board shall be fixed by the board, and shall not exceed One Thousand ($1000.00) Dollars per annum.

(2) Such salaries, as well as the salary of the secretary-treasurer of such board, shall constitute a cost of operation and maintenance of the plant.

(3) The municipality shall not be liable for the payment of any salary or compensation of any of the members of said board or for the payment of the salary or compensation or expenses of any person employed by said board, and all such salaries, compensation and expenses and any and all liabilities, of whatever kind or character incurred by the board or any officer or employe thereof, shall be payable solely and only out of the revenues obtained by said board under the provisions of this Act, and said liabilities shall be so limited.

Section 4. The original appointees shall serve two for one year, one for two years, one for three years and one for four years, respectively, from the date of their appointment, as the said mayor or chief executive officer of the municipality shall designate. Successors to retiring members so appointed shall be appointed for a term of four (4) years in the same manner, prior to the expiration of the term of office of the retiring members. Appointments to complete unexpired terms shall be made in the same manner as original appointments.

Section 5. A majority of the board shall constitute a quorum and the board shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the board shall not affect its power or authority so long as a quorum remains. Within ten (10) days after appointment and qualification of members, the board shall hold a meeting and elect a chairman. The board shall at the same time elect a secretary-treasurer, and shall fix his compensation, which, together with his compensation as a member of the board,

shall not exceed One Thousand Five Hundred ($1500.00) Dollars per annum. The secretary may be removed by the board for cause. The board shall hold public meetings at least once each month, at such regular time and place as the board may determine. Any special meeting of the board may be called by the chairman or by two members; but if such special meeting is called, written notice shall be sent to all members by the secretary. Except as otherwise expressly provided herein, the board shall establish its own by-laws and rules of procedure.

Section 6. Any member of the board may be removed from office upan a vote of a majority of the members of the governing body of the municipality for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office.

Section 7. Any board operating under the provisions of this Act shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of this Act, including, but not by way of limitation, the following express powers:

(1) Acquire property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business.

(2) Operate, maintain, improve and extend the electric and water plant, and provide electric and water service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.

(3) To fix and determine classifications, rates and charges for services; provided, however, the rates and charges so fixed and determined at all times shall be sufficient to produce revenues sufficient to pay all operating expenses, interest, and bond requirements, sinking fund requirements, adequate depreciation reserves, taxes, or payments in lieu of taxes, and reserves for contemplated extensions and improvements.

(4) Construct, lease, operate and control any and all works, lines, buildings and other facilities across, along or

under any street or public highway, and over any lands which are now or may be the property of the Commonwealth or of any county or municipality within this Commonwealth. The board shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways, having appropriate jurisdiction over any and all of such respective streets or public highways.

(5) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by the board no engineer or firm with which he is associated who is engaged in whole or in part in the business of buying or selling any electric or water equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any service whatsoever under the provisions of this Act.

(6) Contract debts and borrow money for the improvement and extension of any electric and water plant or for the refinancing of any existing bonded indebtedness on the property or any portion thereof, issue bonds therefor, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenue derived from the electric and water plant to the payment of such debts or repayment of money borrowed.

(7) The title to any property, real or personal, which the board may acquire shall vest in the municipality for the use and benefit of the electric and water system. The board shall have the power to sell or otherwise dispose of any personal property used or useful in the operation of the electric and water system which may be or become obsolete or otherwise determined by the board not to be necessary in the operation of the electric and water system. Any bill of sale or

other instrument of conveyance shall be executed by the chairman of the board and attested by the secretary of the board.

(8) Make contracts and execute instruments containing such covenants, terms and conditions as in the discretion of the board may be proper, necesssary or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the operation, maintenance, improvement or extension of any electric and water plant and the furnishing of service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments, as well as all contracts and instruments in existence and effect at the time of the transfer of the property to the board as herein provided.

(9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the operation, maintenance, improvements or extension of any electric and water plant and the furnishing of service.

(10) Do all acts and things necessary or convenient to carry out the powers expressly given in this act, except sell, convey or mortgage the real property.

(11) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of electric energy or power; and, in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as it deems appropriate, including, but without limitation, covenants, terms, and conditions with respect to the resale rate, financial and accounting methods and the manner of disposing of the revenues or any part thereof derived from the operation of the plant as herein provided.

(12) Acquire by purchase or the exercise of eminent domain all lands, easements, rights of way, either upon or

under or above the ground, resonably necessary or desirable in connection with the operation, maintenance or extension of an electric and water plant.

(13) The board shall have the power to accept the provisions of and conduct its operations under the provisions of the Kentucky Workmen's Compensation Act.

(14) The board shall have the power to establish, create, provide and maintain a pension plan for its employees, and to pay out of operating revenues, as an operating expense, such portion of the cost of the creation and maintenance of such pension plan as may be properly payable by the board.

Section 8. (1) Upon and after a board has been appointed and qualified, the said board shall have charge of the exclusive general supervision and control of the operation, maintenance and extension of the electric and water plant.

(2) The board shall employ an electric and water plant superintendent (herein called "superintendent"), who shall be qualified by education, training and experience for the general superintendence of the operation, maintenance, improvement and extension of the electric and water plant. His salary shall be fixed by the board, and shall not exceed the sum of Five Thousand ($5,000.00) Dollars per annum. The superintendent may be removed by the board. He shall be required to execute a bond, in a sum to be determined and approved by the board, conditioned upon the faithful performance of his official duties. The cost of the bond shall be charged as an expense of the operation of the electric plant. The superintendent shall appoint all employees and fix their duties and compensations subject to and with the approval of the board.

(3) All powers of the municipality to operate, maintain, improve and extend, and to furnish electric and water service, shall be exercised on behalf of the municipality by the board and the superintendent, respectively. Subject to the provisions of applicable bonds or contracts, the board shall determine programs and make all determinations as to the operation, maintenance, improvement and extension of the

electric and water plant, shall determine and fix the rates to be charged for the classes of service rendered, shall determine all financial practices, shall establish rules and regulations such as it deems necessary or appropriate to govern the operation of the plant and the furnishing of electric and water service, and shall collect all moneys from the operation, maintenance, improvement and extension of the electric and water plant and the furnishing of electric and water service and disburse same in manner and for the purpose hereinafter provided.

(4) A copy of the schedule of the current rates and charges in effect from time to time, and a copy of all rules and regulations of the board relating to electric and water service shall be kept on public file at the main and all branch offices of the Electric and Water Plant Board and also in the office of the municipal clerk. The superintendent shall have charge of all actual construction, the immediate management and operation of the electric plant and the enforcement and execution of all rules, regulations, programs, plans and decisions made or adopted by the board.

(5) The superintendent shall let all contracts, subject to the approval of the board; but may, without such approval, obligate the board on purchase orders for materials necessary in the operation of the electric and water system up to an amount to be fixed by the board, not, however, to exceed five hundred dollars. All contracts for the purchase of materials, equipment and supplies in excess of one thousand dollars shall be let only after competitive bidding; provided, however, when any material, equipment or supplies be not available in the open market, such material, equipment or supplies may be purchased without competitive bidding. All contracts shall be in the corporate name of the board, and shall be signed by the superintendent and attested by the secretary-treasurer or the chairman of the board. The superintendent shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the board and the provisions of applicable contracts.

Section 9. The board shall charge the municipality and all departments and works thereof for any electric and water service furnished to them at the rate applicable to other customers taking service under similar conditions. Revenues derived from such service shall be treated as other revenues.

Section 10. Any board proceeding under this Act shall have the right to acquire by the exercise of the power of eminent domain, all lands, easements, rights of way, either upon or under or above the ground, reasonably necessary or desirable in connection with the operation, maintenance, improvement or extension of its electric and water plant. The condemnation or eminent domain proceedings shall be brought in the name of the board, and proceed in the form and manner now prescribed for the condemnation of land by cities of their respective class.

Section 11. In lieu of taxes, the board may each year pay to each school district and municipality in which its property is located an amount equivalent to an annual ad valorem tax on the fair cash value of the property of the board located in each such jurisdiction determined upon the tax rate prevailing in such year.

Section 12. The board may, by proper order, provide a pension plan for its employees. In the event the board elects to provide a pension plan, it shall determine and formulate the form of pension plan to be used; determine and prescribe the eligibility of employees or their dependents to a pension or other benefits; determine and prescribe the monthly allowance or pension for employees or their dependents so determined to be eligible for a pension or benefits under the pension plan, not to exceed, however, a sum equal to one-half of the monthly salary or wages of any employee at the time of his or her retirement, but which in no event shall be less than twenty dollars ($20.00) per month nor more than eighty-five dollars ($85.00) per month; appoint a commission, which shall consist of three members possessing the qualifications of a member of the board, for the administration of the pension plan and prescribe the powers and duties of such commission; appoint a trustee of the pension fund, fix the term of his office and the compensation of such trustee, and pre-

scribe the powers and duties of such trustee and do and perform any other or further acts necessary to effectuate such pension plan. When a pension plan shall have been adopted, a commission appointed to administer such plan and a trustee of the pension fund appointed and qualified, the board may annually appropriate and pay out of its operating revenue, as an operating expense, into the sinking fund, a sum sufficient when determined on a fair actuarial basis, to maintain the pension plan so adopted, not exceeding, however, a sum equal to one-half of one per cent of the fair value of the Utility property and assets. The board may assess, and cause to be paid into the pension fund monthly such amount or per cent of the salary of all employees eligible under and electing to accept the pension plan as may be equitably determined on a fair actuarial basis, not to exceed, however, three per cent (3%) of the monthly salary of any employee. The trustee of the pension fund shall give such bond as required by the board, the cost of which shall be payable out of the pension fund. The trustee of the pension fund shall each year file with the board a report showing his actions and his accounts as such trustee.

The board shall have full power to receive any and all funds or property which may be available or become available to the board or the city for use in the creation or maintenance of a pension plan for the employees of the board, including but not limiting the power to sign, execute and deliver such receipts, indemnity agreement or other writing which either the board or the city may be required to sign, execute and deliver to obtain any such fund or property for such purpose.

Section 13. All moneys derived from the operation of the electric and water plant or any other operation of the board, shall be deposited to the credit of the board in a separate bank account or accounts, separate from all other municipal funds, and adequate records shall be kept of all such receipts and their sources. All withdrawals and payments from said fund, as well as any other fund which may be created, shall be only pursuant to appropriate action of the board, and the voucher, warrant or check withdrawing or pay-

ing out any part of said fund shall be signed by the Treasurer or Chairman of the Board.

Section 14. Subject to the provisions of outstanding bonds and contracts, the board shall apply all funds derived from operation (1) to the payment of operating expenses, (2) to the payment of bond interest and retirement, (3) to sinking fund requirements, (4) to depreciation requirements, (5) to the improvement and extension of the plant, (6) to the payment of other obligations incurred in the operation and maintenance of the plant and the furnishing of service, and (7) such taxes, if any, as the board may elect to pay under the provisions of this Act, and any surplus revenues, at the end of any twelve months ending June 30th shall be transferred to the sinking fund, and used by the board only for the redemption or purchase of outstanding bonds, in which case such bonds shall be canceled, or for the creation and maintenance of a cash working fund, or the creation and maintenance of a fund for improvement and extension of the system, or for the reduction of rates.

Section 15. The governing body of the municipality may terminate the operation and management of the electric and water plant by the board under the provisions of this Act only by first complying with the following provisions, to-wit:

(a) The governing body of the municipality, upon the adoption of an ordinance declaring the desire of the municipality to terminate the operation of the electric and water plant by the board under the provisions of this Act, may direct that such question be submitted to an election of the qualified voters of the municipality. The mayor shall certify such ordinance to the clerk of the county court, who shall, on the ballots provided for use in the general November election in the municipality, if however there is no municipal election a separate ballot shall be provided, have printed thereon the question: "Are you in favor of the termination of the operation and management of the electric and water system of the City by the Electric and Water Plant Board?" Opposite the question, the words "Yes" and "No", with proper squares

for stamping the cross mark to indicate preference, shall appear.

The mayor of such municipality shall advertise such election and the object thereof at least forty-five (45) days next before the date of such election in a newspaper having the largest circulation in the city, and also by printed handbills posted in not less than four conspicuous places in each voting precinct in the city and at the court house door. All legal voters of such city shall be privileged to vote at such election.

(b) If a majority of all the qualified voters of the municipality voting in said general election on the question shall vote in the affirmative, the governing body of the municipality may adopt an ordinance rescinding its election to operate under the provisions of this Act, and the board, on the first day of the month following the passage and approval of such ordinance, shall by resolution transfer the operation of the electric and water plant to the governing body of the municipality.

Section 16. (1) The board at any time may issue and sell revenue bonds to finance improvements or extensions of the plant and sell refunding bonds for the purpose of providing for the payment of any outstanding bonds.

(2) Bonds issued pursuant to this Act may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty (40) years from their respective dates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold in such blocks, may be subject to such terms of purchase or redemption of all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the board by resolution prior to the sale of the bonds.

(3) All revenue bonds issued pursuant to the provisions of this Act in the hands of bona fide holders shall have all the qualities and incidence of negotiable instruments under

the law of merchant. All bonds shall be sold to the highest responsible bidder at such time and place as shall have been fixed by the board in the notice of sale of said bonds, which notice shall have been advertised once each week for at least two consecutive weeks in a newspaper of general circulation in said municipality. The board shall receive written, sealed competitive bids, which shall be publicly opened and read at the time and place specified in the notice of sale. The board may reject all bids and readvertise. No revenue bonds shall be sold for less than par, and no bond shall bear interest at a rate in excess of six per cent (6%) per annum, interest payable semi-annually.

(4) No holder or holders of any revenue bonds issued under this Act shall have the right to compel any exercise of taxing power of the municipality to pay the bonds or the interest thereon. Each bond issued under this Act shall recite in substance that the bond, including interest thereon, is payable solely from the revenues pledged to the payment thereof, and that the bond does not constitute a debt of the municipality within the meaning of any statutory or constitutional provision or limitation.

(5) Any holder or holders of bonds issued pursuant to this Act, shall have the right, in addition to all other rights:

(a) By action in court, to enforce his or their rights against the board, and any other proper officer, agent or employee, including, but without limitation, the right to require the board, and any proper officer, agent or employee thereof, to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of, revenues from the plant, and to require the board and any officer, agent or employee thereof, to carry out any other covenants or agreements and to perform its and their duties under this Act.

(b) By action in equity to enjoin any act or thing which may be unlawful or a violation of the rights of such holder of bonds.

(6) If there is a default in the payment of the principal or interest of any bonds issued pursuant to this Act, any court having jurisdiction may, upon the petition of the holders of not less than twenty-five per cent (25%) of the outstanding

bonds, appoint a receiver to administer said electric plant on behalf of the board, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against the plant and for the payment of the operating expenses and to apply the income and revenues in conformity with this Act.

(7) All bonds issued pursuant to the Act, bearing the signatures of officers in office on the date of the signing thereof, shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor, any or all the persons whose signatures appear thereon shall have ceased to be members of the board issuing the same. The resolution of the board authorizing the issuance of the bonds shall contain a recital that the revenue bonds are issued pursuant to this Act, which recital shall be prima facie evidence of their validity and of the regularity of their issuance.

(8) Bonds may be issued under this Act without respect to the provisions of any laws requiring the prior approval of any court, commission, board or regulatory authority.

(9) All moneys received from the sale and issuance of bonds shall be used solely for the purpose for which such bonds were issued, except that any premium received for said bonds may be used for the payment of interest and principal of said bonds.

Section 17. The board shall keep a complete and accurate record of all meetings and actions taken, and of all receipts and disbursements. Such records shall be open to inspection at any and all times to the governing body of the city. An audit of the board's records shall be made annually by a certified public accountant to be selected by the board, and the expense of such audit shall constitute an operating expense and be paid as such by the board. The board shall furnish a copy of such audit to the Common Council when requested so to do.

Section 18. No board operating an electric and water plant under the provisions of this Act shall construct any facilities or extend its existing facilities in competition with any existing facilities of any Rural Electric Cooperative Corporation.

Section 19. Any action challenging the validity of any ordinance electing to operate under this Act, or any bond resolution of the board, or any election resolution or election held hereunder shall be brought within sixty days from the date on which such ordinance, election resolution or bond resolution was adopted or election held, as the case may be, and, if not brought within said time, shall be forever barred.

Section 20. Every ordinance or resolution adopted by the governing body of the municipality or board under the provisions of this Act shall become effective from and after its passage, and no such resolution or ordinance shall be subject to any referendum or election except as expressly provided in this Act.

Section 21. All sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential inducement; and it is the intention of the General Assembly to confer upon every municipality of the third class the whole or any part of the powers of this Act provided; and if any one or more of these sections, clauses, sentences, or parts of this Act, including those authorizing the payment by the board of taxes, shall be adjudged invalid or inoperative, such judgment shall not invalidate the remaining provisions of said Act, but shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the inapplicability or invalidation of any section, clause, sentence or part of this Act in any one or more instances shall not affect the applicability or validity in any other instance, or the validity or application of any other part or provision of the Act.

S. Res. 4. Resolution appropriating from the general fund the sum of $191.20 to pay claims for service to Lee B. Keslar.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund, the sum of $191.20, payable to Lee B. Keslar for services rendered in apprehending, arresting and delivering Doc War-

ren to the Campbell Circuit Court upon a murder charge as a fugitive from justice and in returning him from Springfield, Missouri, to Newport, Kentucky. The Department of Finance shall draw its warrant upon the Treasurer of the Commonwealth for said amount of $191.20, all of which shall be payable to the said Lee B. Keslar as sheriff of Campbell County.

S. Res. 15. Resolution appropriating from the general fund the sum of $52.50 to pay a claim for services to Everett Langford.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the Commonwealth of Kentucky the sum of Fifty-two Dollars and Fifty Cents ($52.50) and the Department of Finance shall draw its warrant upon the Treasurer for that amount in favor of Everett Langford.

Ordered that said bills and resolutions be printed and referred.

And that they had passed bills which originated in this House entitled:

H. B. 165. An Act relating to aviation.

H. B. 166. An Act relating to airport zoning.

H. B. 145. An Act relating to cities.

H. B. 102. An Act relating to marriage.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

Mr. Runyon of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled, bills and resolution of the following titles, viz.:

H. Res. 15. Resolution authorizing E. S. Hicks, Fulton, Kentucky, to sue the Commonwealth.

H. B. 74. An Act pertaining to compensation of jury commissioners, and amending Sec. 29.060 KRS.

H. B. 75. An Act pertaining to jury commissioners; appointment, qualifications; vacancies; sessions, etc.

H. B. 107. An Act relating to city officials.

H. B. 110. An Act relating to powers of attendance officers.

H. B. 117. An Act making provision for an Advisory Commission for the coordination of services for the blind.

H. B. 178. An Act providing that the Clerk of the Court in which an inquest proceeding is held for the adjudication or restoration of an idiot, etc.

Thereupon all other business was suspended, said bills and resolutions were read at length in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions to the Senate.

After a time the enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Howell moved that the House do now take up from the Clerk's desk, resolutions which were reported to this House from the Senate, on yesterday.

Said motion was agreed to.

Thereupon the House took up for consideration a resolution entitled:

H. Res. 17. A Joint Resolution authorizing Viola Whitlow to sue the Commonwealth.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of January 28.)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend H. Res. 17 by striking out the words "general fund" and inserting in lieu thereof the words "highway funds".

Said amendment was then concurred in.

Said resolution was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	B. K. Brantley	Forest C. Easley
Roy W. Arnold	Mrs. Mary Burnett	Bernie S. Edlin
Henry Arrowood	Chas. W. Burnley	R. R. Ernst
Harold L. Barnes	Alex. H. Calvert	A. H. Eversole
F. H. Bassett, Jr.	W. K. Coleman	Tom Gilliam
Ott Begley	Fred Creasey	M. B. Gilligan
Jack Bingham	S. J. Daugherty	C. L. Hammonds
B. J. Bonn	L. A. Demumbrun	Harold G. Helm
J. C. Bradley	E. R. Denny	E. R. Hilton

Clyde S. Howard	J. L. Moore	W. R. Smith
Maurice Howard	J. Lee Moore	E. A. Spencer
Jerry F. Howell	Fred Morgan	Paul J. Stapleton
J. J. Huff	Joe T. Morgan	Geo. W. Steinford
Ira W. Hulette	E. C. Mullins	L. S. Stephens
W. H. Hunt	Rodes K. Myers	Ralph G. Stone
Kerby Jennings	Thos. A. Noe	C. W. Taylor
Paul Jonas	Louis T. Peniston	E. L. Thompson
L. H. Jones	Sylvester Phillips	Ray G. Tipton
B. F. Kincaid	L. W. Preston	Walter L. Trivette
G. O. Kirkpatrick	E. F. Prichard	Harry F. Walters
Homer E. Losey	Hobart Rayburn	W. W. Webster
A. L. Love	Kelse H. Risner	Geo. J. Weining
H. K. Lowman	Amos Runyan	Morris Weintraub
F. G. Marquette	J. W. Simmons	John Wilborn
W. E. McClure	Luther Slusher	Mr. Speaker
Jack McPherron	Forrest Smith	—77

Mr. Howell moved that the vote by which said resolution was adopted, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

The House took up for consideration a resolution entitled:

H. Res. 18. Resolution authorizing Lena Ruth Clemons to sue the Commonwealth.

With an amendment thereto as proposed and adopted by the Senate.

(For resolution see House Journal of January 28.)

Said amendment as proposed and adopted by the Senate is as follows, viz.:

Amend H. Res. 18 by striking out the words "general fund" and inserting in lieu thereof the words "highway funds".

Said amendment was then concurred in.

Said resolution was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—76

Mr. Howell moved that the vote by which said resolution was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 11. Resolution authorizing Mell T. Prather to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Mell T. Prather be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Calloway Circuit Court, Calloway County, Kentucky, for damages resulting from personal injury and property damages caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky and while he was in the line of duty as an employee of this Commonwealth and because of the condition and negligence hereinabove set out.

Said suit shall be for a sum not in excess of one-thousand ($1,000.00) dollars for personal injuries and eight-hundred ($800.00) dollars for property damage.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonwealth of Kentucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the part of the Commonwealth, or of any of its agencies or employees and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Said Committee amendment is as follows, viz.:

Amend H. Res. 11 by adding at the end thereof the following: The Committee recommended that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Mrs. Mary Burnett	R. R. Ernst
Roy W. Arnold	Chas. W. Burnley	A. H. Eversole
Henry Arrowood	Alex. H. Calvert	Tom Gilliam
Harold L. Barnes	W. K. Coleman	M. B. Gilligan
F. H. Bassett, Jr.	Fred Creasey	C. L. Hammonds
Ott Begley	S. J. Daugherty	Harold G. Helm
Jack Bingham	L. A. Demumbrun	E. R. Hilton
B. J. Bonn	E. R. Denny	Clyde S. Howard
J. C. Bradley	Forest C. Easley	Maurice Howard
B. K. Brantley	Bernie S. Edlin	Jerry F. Howell

J. J. Huff	Fred Morgan	E. A. Spencer
Ira W. Hulette	Joe T. Morgan	Paul J. Stapleton
W. H. Hunt	E. C. Mullins	Geo. W. Steinford
Kerby Jennings	Rodes K. Myers	L. S. Stephens
Paul Jonas	Thos. A. Noe	Ralph G. Stone
L. H. Jones	Louis T. Peniston	C. W. Taylor
B. F. Kincaid	Sylvester Phillips	E. L. Thompson
G. O. Kirkpatrick	L. W. Preston	Ray G. Tipton
Homer E. Losey	E. F. Prichard	Walter L. Trivette
A. L. Love	Hobart Rayburn	Harry F. Walters
H. K. Lowman	Kelse H. Risner	W. W. Webster
F. G. Marquette	Amos Runyan	Geo. J. Weining
W. E. McClure	J. W. Simmons	Morris Weintraub
Jack McPherron	Luther Slusher	John Wilborn
J. L. Moore	Forrest Smith	Mr. Speaker
J. Lee Moore	W. R. Smith	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 33. Resolution authorizing A. E. Funk and his wife Myrtle Funk to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The said A. E. Funk, and his wife, Myrtle Funk, be permitted to sue the Department of Highways and the Commonwealth of Kentucky in the Franklin Circuit Court for such damages as may be the direct result of the said flooding of their property caused by the alleged negligence on the

part of the Department of Highways of the Commonwealth of Kentucky in the construction of the drainage system of U. S. Highway No. 60 at or near their property in Franklin County, Kentucky.

2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Department of Highways and the Commonwealth of Kentucky and may settle same before or after suit is filed if he deem it advisable to do so. Any amount recovered shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer, whether recovered by a suit or by settlement with the Attorney General. This resolution shall not be considered as evidence of negligence upon the part of the Commonwealth of Kentucky, the Department of Highways, or its employees, and shall not be commented upon by the attorneys for plaintiffs in any manner whatsoever at the trial of said action before a jury. This resolution shall be deemed only authority to bring an action, not admission of negligence. The amount of recovery herein shall be limited to a sum not to exceed $2500.00. In the event of suit and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Said Committee amendment is as follows:

Amend H. Res. 33 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was then agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 34. Resolution authorizing Myrtle Cooper to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Myrtle Cooper, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Magoffin Circuit Court for property damage alleged to have been caused by the Department of Highways and its employees in the maintenance of a highway and drainage system incident thereto.

Said suit shall be in a sum not to exceed two hundred and fifty ($250.00) dollars.

The Attorney-General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney-General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. Res. 34 by adding at the end thereof the following: The Committee recommends that all judgments ren-

dered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson
Roy W. Arnold
Henry Arrowood
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
Mrs. Mary Burnett
Chas. W. Burnley
Alex. H. Calvert
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
Forest C. Easley
Bernie S. Edlin
R. R. Ernst
A. H. Eversole
Tom Gilliam
M. B. Gilligan
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Homer E. Losey
A. L. Love
H. K. Lowman
F. G. Marquette
W. E. McClure
Jack McPherron
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
Walter L. Trivette
Harry F. Walters
W. W. Webster
Geo. J. Weining
Morris Weintraub
John Wilborn
Mr. Speaker

—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 36. Resolution authorizing Curtis Pigman to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Curtis Pigman is authorized to sue the Commonwealth of Kentucky in the Knott County Circuit Court for damages resulting from property damage caused by alleged negligence on the part of the employes of the Department of Highways while said employes were in the line of duty as employes of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Said Committee amendment is as follows, viz.:

Amend H. Res. 36 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. R. Ernst	H. K. Lowman
Roy W. Arnold	A. H. Eversole	F. G. Marquette
Henry Arrowood	Tom Gilliam	W. E. McClure
Harold L. Barnes	M. B. Gilligan	Jack McPherron
F. H. Bassett, Jr.	C. L. Hammonds	J. L. Moore
Ott Begley	Harold G. Helm	J. Lee Moore
Jack Bingham	E. R. Hilton	Fred Morgan
B. J. Bonn	Clyde S. Howard	Joe T. Morgan
J. C. Bradley	Maurice Howard	E. C. Mullins
B. K. Brantley	Jerry F. Howell	Rodes K. Myers
Mrs. Mary Burnett	J. J. Huff	Thos. A. Noe
Chas. W. Burnley	Ira W. Hulette	Louis T. Peniston
Alex. H. Calvert	W. H. Hunt	Sylvester Phillips
W. K. Coleman	Kerby Jennings	L. W. Preston
Fred Creasey	Paul Jonas	E. F. Prichard
S. J. Daugherty	L. H. Jones	Hobart Rayburn
L. A. Demumbrun	B. F. Kincaid	Kelse H. Risner
E. R. Denny	G. O. Kirkpatrick	Amos Runyan
Forest C. Easley	Homer E. Losey	J. W. Simmons
Bernie S. Edlin	A. L. Love	Luther Slusher

Forrest Smith	Ralph G. Stone	W. W. Webster
W. R. Smith	C. W. Taylor	Geo. J. Weining
E. A. Spencer	E. L. Thompson	Morris Weintraub
Paul J. Stapleton	Ray G. Tipton	John Wilborn
Geo. W. Steinford	Walter L. Trivette	Mr. Speaker
L. S. Stephens	Harry F. Walters	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 48. Resolution authorizing T. B. Dadisman and Iva Dadisman to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That T. B. Dadisman and Iva Dadisman are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Spencer Circuit Court, Spencer County, Kentucky, for damages resulting to crops and premises and properties damaged, caused by the impounding of waters, due to the construction of a bridge across Crooked Creek near Van Buren, Kentucky.

Said suit shall be for a sum not in excess of one thousand five hundred sixty-five ($1565.00) Dollars for said property damage.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonwealth of Ken-

tucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or Jury as an admission of negligence upon the part of the Commonwealth, or of any of its agencies or employees and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Said Committee amendment is as follows, viz.:

Amend H. Res. 48 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were:

C. W. Anderson	F. H. Bassett, Jr.	J. C. Bradley
Roy W. Arnold	Ott Begley	B. K. Brantley
Henry Arrowood	Jack Bingham	Mrs. Mary Burnett
Harold L. Barnes	B. J. Bonn	Chas. W. Burnley

Alex. H. Calvert	Paul Jonas	Kelse H. Risner
W. K. Coleman	L. H. Jones	Amos Runyan
Fred Creasey	B. F. Kincaid	J. W. Simmons
S. J. Daugherty	G. O. Kirkpatrick	Luther Slusher
L. A. Demumbrun	Homer E. Losey	Forrest Smith
E. R. Denny	A. L. Love	W. R. Smith
Forest C. Easley	H. K. Lowman	E. A. Spencer
Bernie S. Edlin	F. G. Marquette	Paul J. Stapleton
R. R. Ernst	W. E. McClure	Geo. W. Steinford
A. H. Eversole	Jack McPherron	L. S. Stephens
Tom Gilliam	J. L. Moore	Ralph G. Stone
M. B. Gilligan	J. Lee Moore	C. W. Taylor
C. L. Hammonds	Fred Morgan	E. L. Thompson
Harold G. Helm	Joe T. Morgan	Ray G. Tipton
E. R. Hilton	E. C. Mullins	Walter L. Trivette
Clyde S. Howard	Rodes K. Myers	Harry F. Walters
Maurice Howard	Thos. A. Noe	W. W. Webster
Jerry F. Howell	Louis T. Peniston	Geo. J. Weining
J. J. Huff	Sylvester Phillips	Morris Weintraub
Ira W. Hulette	L. W. Preston	John Wilborn
W. H. Hunt	E. F. Prichard	Mr. Speaker
Kerby Jennings	Hobart Rayburn	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 49. Resolution authorizing Gilbert Brumley to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Gilbert Brumley is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Anderson Circuit Court, Anderson County, Kentucky, for damages resulting to crops caused by the impounding of waters due to the collection of drift, under a bridge across Crooked Creek near Van Buren, Kentucky.

Said suit shall be for a sum not in excess of one thousand seven hundred ($1700.00) Dollars for said damages to crops.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonwealth of Kentucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or Jury as an admission of negligence upon the part of the Commonwealth, or of any of its agencies or employes and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Said Committee amendment is as follows, viz.:

Amend H. Res. 49 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken therein in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 50. Resolution authorizing Bart Bloomer to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is a follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Bart Bloomer, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Floyd Circuit Court, Floyd County, Kentucky, for damages resulting to his said automobile, caused by the negligence on the part of the Commonwealth of Kentucky, its agents and employees, while in the line of duty as herein set out.

Said suit shall be for the sum not in excess of Three Hundred ($300.00) Dollars, for property damage.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonwealth of Kentucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered by said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the part of the Commonwealth, or of any of its agencies or employees and this resolution shall not be introduced as evi-

dence, nor commented upon by counsel in argument to the jury.

Said amendment as proposed by the Committee is as follows, viz.:

Amend H. Res. 50 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	L. A. Demumbrun	W. H. Hunt
Roy W. Arnold	E. R. Denny	Kerby Jennings
Henry Arrowood	Forest C. Easley	Paul Jonas
Harold L. Barnes	Bernie S. Edlin	L. H. Jones
F. H. Bassett, Jr.	R. R. Ernst	B. F. Kincaid
Ott Begley	A. H. Eversole	G. O. Kirkpatrick
Jack Bingham	Tom Gilliam	Homer E. Losey
B. J. Bonn	M. B. Gilligan	A. L. Love
J. C. Bradley	C. L. Hammonds	H. K. Lowman
B. K. Brantley	Harold G. Helm	F. G. Marquette
Mrs. Mary Burnett	E. R. Hilton	W. E. McClure
Chas. W. Burnley	Clyde S. Howard	Jack McPherron
Alex. H. Calvert	Maurice Howard	J. L. Moore
W. K. Coleman	Jerry F. Howell	J. Lee Moore
Fred Creasey	J. J. Huff	Fred Morgan
S. J. Daugherty	Ira W. Hulette	Joe T. Morgan

E. C. Mullins	J. W. Simmons	E. L. Thompson
Rodes K. Myers	Luther Slusher	Ray G. Tipton
Thos. A. Noe	Forrest Smith	Walter L. Trivette
Louis T. Peniston	W. R. Smith	Harry F. Walters
Sylvester Phillips	E. A. Spencer	W. W. Webster
L. W. Preston	Paul J. Stapleton	Geo. J. Weining
E. F. Prichard	Geo. W. Steinford	Morris Weintraub
Hobart Rayburn	L. S. Stephens	John Wilborn
Kelse H. Risner	Ralph G. Stone	Mr. Speaker
Amos Runyan	C. W. Taylor	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 53. Resolution authorizing Dan T. Martin to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dan T. Martin, of Hindman, Kentucky, be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Knott Circuit Court, Knott County, Kentucky, for damages resulting from property damages caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky and while he was in the line of duty as an employe of this Commonwealth and because of the conditions and negligence herein above set out.

Said suit shall be for a sum not in excess of five hundred ($500.00) dollars for property damage.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonweatlh of Kentucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the part of the Commonwealth, or any of its agencies or employes and this resolution shall not be introduced, as evidence, nor commented upon by counsel in argument to the jury.

Said Committee amendment is as follows, viz.:

Amend H. Res. 53 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolutions be paid from the highway fund.

Said motion was agreed to.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, and the same being engrossed, said resolution was read the third time and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 61. Resolution authorizing Eldon White to sue the Commonwealth.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Fred Raymer and Eldon White be, and they are hereby authorized and permitted each, to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Circuit Court of Edmonson County, Kentucky, the county in which the injury occurred, for such damage as they may have suffered, if any, by reason of the injuries received by them through the carelessness or negligence of the said Highway Commission, its agents and servants, in an amount to each not to exceed *$5000.00* each.

2. In the event any judgment is recovered by said Fred Raymer and Eldon White in said suit or suits for injuries to themselves, or same is compromised or settled, said judgment or judgments shall be paid by the Commissioner of Finance by warrant drawn on the State Treasury and paid out of the general funds.

3. Any party to said suit or suits may appeal from any judgment which may be entered therein as in other civil suits, and the case or cases may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as other civil suits.

4. Nothing contained in this resolution shall be construed by either the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that this resolution authorizing this suit shall not be considered as an admission of the Commonwealth of Kentucky, or any of its agencies, of any liability on the part of the Commonwealth of Kentucky, or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Said Committee amendment is as follows, viz.:

Amend H. Res. 61 by adding at the end thereof the following: The Committee recommends that all judgments rendered in accordance with the foregoing resolution be paid from the highway fund.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 35. Resolution authorizing Morgan Wireman to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Morgan Wireman, administrator of the estate of Johnny Wireman, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Magoffin Circuit Court for personal injuries resulting in the death of Johnny Wireman, alleged to have been caused by the Department of Highways and its employees in the construction of a highway and drainage system incident thereto.

Said suit shall be in a sum not to exceed fifteen thousand ($15,000) dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall

not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 38. Resolution authorizing John Cleveland to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John Cleveland, of New Castle, Indiana, is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Hardin Circuit Court, for damages resulting from personal injury and property damage caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky while said employe was in the line of duty as an employe of the Department of Highways of Kentucky.

Said suit shall be for a sum not in excess of thirty thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 44. Resolution authorizing Samuel Peters to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That said Samuel Peters is authorized to sue the Commonwealth of Kentucky in Lee or Owsley Circuit Court for damages resulting from injuries caused by the loss of services of his son, Bruce Peters, a minor, and costs of doctor's bills, nurses' bills, nursing, medicines and hospitals in attempting to effect a cure of his said son.

Said injuries were caused by the wrongful act of negligence on the part of an employee, agents and officers of the Commonwealth of Kentucky, while said employee (Bruce Peters) was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of Two Thousand Dollars ($2,000.). The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon Warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court either party may appeal to the Court of Appeals of Kentucky. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of

said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 51. Resolution authorizing J. K. Thompson, etc., to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. K. Thompson, Mrs. J. K. Thompson and Zella Thompson are authorized to sue the Commonwealth of Kentucky in Fayette Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $1,500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 62. Resolution authorizing Mrs. Mary Katherine Gumm to sue the Commonwealth.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Mary Katherine Gumm is authorized to sue the Commonwealth of Kentucky in the Lyon County Circuit Court for damages for the wrongful death of her husband, L. R. Gumm, arising out of and in the course of his employment as an employe of the Commonwealth, for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of $5,000.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for damages for the death of said L. R. Gumm, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount of such damages.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	F. H. Bassett, Jr.	J. C. Bradley
Roy W. Arnold	Ott Begley	B. K. Brantley
Henry Arrowood	Jack Bingham	Mrs. Mary Burnett
Harold L. Barnes	B. J. Bonn	Chas. W. Burnley

Alex. H. Calvert	Paul Jonas	Kelse H. Risner
W. K. Coleman	L. H. Jones	Amos Runyan
Fred Creasey	B. F. Kincaid	J. W. Simmons
S. J. Daugherty	G. O. Kirkpatrick	Luther Slusher
L. A. Demumbrun	Homer E. Losey	Forrest Smith
E. R. Denny	A. L. Love	W. R. Smith
Forest C. Easley	H. K. Lowman	E. A. Spencer
Bernie S. Edlin	F. G. Marquette	Paul J. Stapleton
R. R. Ernst	W. E. McClure	Geo. W. Steinford
A. H. Eversole	Jack McPherron	L. S. Stephens
Tom Gilliam	J. L. Moore	Ralph G. Stone
M. B. Gilligan	J. Lee Moore	C. W. Taylor
C. L. Hammonds	Fred Morgan	E. L. Thompson
Harold G. Helm	Joe T. Morgan	Ray G. Tipton
E. R. Hilton	E. C. Mullins	Walter L. Trivette
Clyde S. Howard	Rodes K. Myers	Harry F. Walters
Maurice Howard	Thos. A. Noe	Geo. J. Weining
Jerry F. Howell	Louis T. Peniston	Morris Weintraub
J. J. Huff	Sylvester Phillips	Lawrence Wells
Ira W. Hulette	L. W. Preston	John Wilborn
W. H. Hunt	E. F. Prichard	Mr. Speaker
Kerby Jennings	Hobart Rayburn	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 63. Resolution authorizing the payment of witness claims allowed to Mrs. Maude Bailey.

Said bill is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Maude Bailey of Lost Creek, Breathitt County, Kentucky, is now the owner of witness claims allowed in the

Breathitt Circuit Court at the February, 1941 term, in the total amount of $447.96.

It appearing that said claims were not presented for payment by the Commonwealth of Kentucky within the statutory time provided by law and it further appearing that said claims are just claims against the Commonwealth of Kentucky, the Commissioner of Finance is hereby authorized and directed to pay said claims when presented by Mrs. Maude Bailey of Lost Creek, Kentucky, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claim, being $447.96, is hereby appropriated out of the General Fund for that purpose.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	L. A. Demumbrun	W. H. Hunt
Roy W. Arnold	E. R. Denny	Kerby Jennings
Henry Arrowood	Forest C. Easley	Paul Jonas
Harold L. Barnes	Bernie S. Edlin	L. H. Jones
F. H. Bassett, Jr.	R. R. Ernst	B. F. Kincaid
Ott Begley	A. H. Eversole	G. O. Kirkpatrick
Jack Bingham	Tom Gilliam	Homer E. Losey
B. J. Bonn	M. B. Gilligan	A. L. Love
J. C. Bradley	C. L. Hammonds	H. K. Lowman
B. K. Brantley	Harold G. Helm	F. G. Marquette
Mrs. Mary Burnett	E. R. Hilton	W. E. McClure
Chas. W. Burnley	Clyde S. Howard	Jack McPherron
Alex. H. Calvert	Maurice Howard	J. L. Moore
W. K. Coleman	Jerry F. Howell	J. Lee Moore
Fred Creasey	J. J. Huff	Fred Morgan
S. J. Daugherty	Ira W. Hulette	Joe T. Morgan

E. C. Mullins	J. W. Simmons	E. L. Thompson
Rodes K. Myers	Luther Slusher	Ray G. Tipton
Thos. A. Noe	Forrest Smith	Walter L. Trivette
Louis T. Peniston	W. R. Smith	Harry F. Walters
Sylvester Phillips	E. A. Spencer	W. W. Webster
L. W. Preston	Paul J. Stapleton	Geo. J. Weining
E. F. Prichard	Geo. W. Steinford	Morris Weintraub
Hobart Rayburn	L. S. Stephens	John Wilborn
Kelse H. Risner	Ralph G. Stone	Mr. Speaker
Amos Runyan	C. W. Taylor	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 66. Resolution authorizing Johnny Runner to sue the Commonwealth.

Said bill is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Johnny Runner is authorized to sue the Commonwealth of Kentucky in Rowan Circuit Court for damages resulting from personal injury sustained by him while in the employ of Morehead State Teachers College, a state institution.

Said suit shall be for a sum not in excess of $1,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Tom Gilliam	J. L. Moore
Roy W. Arnold	M. B. Gilligan	J. Lee Moore
Henry Arrowood	C. L. Hammonds	Fred Morgan
Harold L. Barnes	Harold G. Helm	Joe T. Morgan
F. H. Bassett, Jr.	E. R. Hilton	E. C. Mullins
Ott Begley	Clyde S. Howard	Rodes K. Myers
Jack Bingham	Maurice Howard	Thos. A. Noe
B. J. Bonn	Jerry F. Howell	Louis T. Peniston
J. C. Bradley	J. J. Huff	Sylvester Phillips
B. K. Brantley	Ira W. Hulette	L. W. Preston
Mrs. Mary Burnett	W. H. Hunt	E. F. Prichard
Chas. W. Burnley	Kerby Jennings	Hobart Rayburn
Alex. H. Calvert	Paul Jonas	Kelse H. Risner
W. K. Coleman	L. H. Jones	Amos Runyan
Fred Creasey	B. F. Kincaid	J. W. Simmons
S. J. Daugherty	G. O. Kirkpatrick	Luther Slusher
L. A. Demumbrun	Homer E. Losey	Forrest Smith
E. R. Denny	A. L. Love	W. R. Smith
Forest C. Easley	H. K. Lowman	E. A. Spencer
Bernie S. Edlin	F. G. Marquette	Paul J. Stapleton
R. R. Ernst	W. E. McClure	Geo. W. Steinford
A. H. Eversole	Jack McPherron	L. S. Stephens

Ralph G. Stone	Walter L. Trivette	Lawrence Wells	
C. W. Taylor	Harry F. Walters	John Wilborn	
E. L. Thompson	Geo. J. Weining	Mr. Speaker	
Ray G. Tipton	Morris Weintraub		—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 67. Resolution authorizing Oscar M. Forster to sue the Commonwealth.

Said bill is as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Oscar H. Forster, of Campbell County, Kentucky, is authorized to sue the Commonwealth of Kentucky in Grant County Circuit Court for property damage caused by the alleged negligence on the part of employee of the Commonwealth of Kentucky while said employee was in the line of duty as employee of the Commonwealth of Kentucky.

Said suit shall be in a sum not to exceed two hundred and fifty ($250.00) dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as he deems it advisable. Any amount recovered in said sum or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event said suit is filed and judgement rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of the negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. Res. 74. Resolution authorizing A. B. (Yank) Boyd to sue the Commonwealth.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That, A. B. (Yank) Boyd is authorized to sue the Commonwealth of Kentucky in the Logan Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky, while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $2,113.50.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fun upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Sylvester Phillips
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Henry Arrowood	Maurice Howard	E. F. Prichard
Harold L. Barnes	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Luther Slusher
J. C. Bradley	Paul Jonas	Forrest Smith
B. K. Brantley	L. H. Jones	W. R. Smith
Mrs. Mary Burnett	B. F. Kincaid	E. A. Spencer
Chas. W. Burnley	G. O. Kirkpatrick	Paul J. Stapleton
Alex. H. Calvert	Homer E. Losey	Geo. W. Steinford
W. K. Coleman	A. L. Love	L. S. Stephens
Fred Creasey	H. K. Lowman	Ralph G. Stone
S. J. Daugherty	F. G. Marquette	C. W. Taylor
L. A. Demumbrun	W. E. McClure	E. L. Thompson
E. R. Denny	Jack McPherron	Ray G. Tipton
Forest C. Easley	J. L. Moore	Walter L. Trivette
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
R. R. Ernst	Fred Morgan	W. W. Webster
A. H. Eversole	Joe T. Morgan	Geo. J. Weining
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	John Wilborn
C. L. Hammonds	Thos. A. Noe	Mr. Speaker
Harold G. Helm	Louis T. Peniston	—77

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the Rules of this House be suspended and that a bill entitled:

H. B. 416. An Act relating to employment service.

Be taken up from the Orders of the Day for immediate consideration.

Said motion was agreed to.

Thereupon the House took up for consideration said bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) In the department of Industrial Relations there shall be an employment Service Commission composed of a Director of Employment Service and one member to represent labor and one member to represent management.

(2) The two members of the Employment Service Commission representing labor and management shall be appointed, for four year terms, by the Commissioner of Industrial Relations, with the approval of the Governor, from lists of names submitted to him by representatives of labor and management. They shall be selected on the basis of their merit and fitness to perform their duties and exercise the responsibilities of their positions and shall be citizens of Kentucky.

(3) The two members of the Employment Service Commission representing labor and management shall be paid from the Employment Service Commission Administration Fund fees at the rate of twenty dollars each per day, plus necessary expenses, while attending meetings of the Employment Service Commission in the performance of their duties, not exceeding total fees of three hundred dollars per month.

§ 2. (1) The Director of Employment Service shall be chairman of the Employment Service Commission and shall serve for a four-year term. He shall have had at least four

years full time paid experience in the administration and supervision of the state-wide system of public employment service offices and shall have been a citizen of Kentucky for at least two succcessive years immediately prior to his appointment. The Director shall be paid, from the Employment Service Commission Administration Fund, a salary at the rate of five thousand dollars per annum, plus necessary expenses, and shall devote his full time to the duties of his office.

(2) The Director of Employment Service shall exercise the administrative functions of the Employment Service Commission, including the routine of operating and managing the activities of the Employment Service offices and functions; the handling of records, reports, files, and correspondence; the employment and management of the Employment Service personnel; the conduct of negotiations with employers, workers, and cooperation with the Federal Government as designated, and all similar administrative functions. The Director shall have power to determine and establish his own organization, employ such personnel as he deems necessary for the proper administration of this Act, fix their compensation and prescribe their duties.

§ 3 (1) The Employment Service Commission shall establish and maintain free public employment offices in such number and such places as may be necessary for the proper administration of an effective public employment service system for all workers and employers and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled, "An Act to provide for the establishment of a national Employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48th Stat. 133 U. S. Code, Title 29, Section 49 (c)), as amended, and known as the Wagner-Peyser Act. All duties and powers conferred upon any other department, agency or officer of this state relating to the establishment, maintenance, and operation of free public employment service offices shall be vested in the Employment Service Commission. The provisions of said Act of Congress, as amended, are hereby accepted by this State, in

conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof.

(2) The Employment Service Commission is hereby designated and constituted the agency of this state for the purpose of said Wagner-Peyser Act and any other Acts henceforth enacted by the National Congress relating to the employment service offices or programs.

§ 4. It shall be the duty of the Labor-Management representatives on the Employment Service Commission:

(1) To advise with the Employment Service Director as to the administration of the employment service system.

(2) To aid the Employment Service Director in his relationship with labor and management individuals and organizations.

(3) To assist in promoting cooperation among all groups and agencies concerned with employment problems.

(4) To promote public understanding of the purposes, policies and practices of the employment service.

§ 5. The Employment Service Director shall appoint a State Advisory Committee and Local Advisory Committees in all important labor market areas in Kentucky. These committees shall be composed of representatives of labor and management in equal numbers and the public. The committees shall aid the director in an advisory capacity in promoting programs and solving problems relating to the administration of the employment service and in assuring impartiality and freedom from political influence in the solution of such problems. The members of the Advisory Committee shall serve without compensation but shall be reimbursed for necessary travel expense.

§ 6. The Employment Director, with the advice and aid of the Advisory Committee shall:

(1) Take all appropriate steps to reduce and prevent unemployment.

(2) Encourage and assist in the adoption of practicable methods of vocational training, retraining and vocational guidance.

(3) Promote the employment of unemployed workers in every feasible way and to these ends carry on and publish the results of investigation and research studies.

(4) Maintain and publish detailed labor market information to assist employers and workers in determining opportunities for employment and places of unemployment.

(5) Maintain a system of intra-state and intra-state clearance of labor for employers and workers whereby job opportunities may be offered to unemployed job applicants throughout Kentucky and the nation.

(6) Establish and promote job counselling for Veterans, industrial workers, youths and others.

(7) Establish and promote a free industrial service for employers and workers through a program of training, occupational and worker analyses, testing, etc.

§ 7. (1) There is hereby created in the State Treasury a special Fund to be known as the Employment Service Commission Administration Fund. All monies deposited or paid into this Fund are appropriated and shall be available for the administration of the Employment Service offices and functions in Kentucky.

(2) All monies in such Fund shall be expended solely to defray the cost of the administration of this Act.

(3) The Fund shall consist of all money appropriated by this State and all money received from the United States or any agency thereof or from any other source for the purpose of administering the Employment Service program in Kentucky.

(4) The Employment Service Director may enter into an agreement with any agency charged with the administration of an Employment Service or Unemployment Insurance Law, with any city or political sub-division of this State, or with any private non-profit organization, as he may deem necessary in the administration of the Employment Service program, and may accept money, services or quarters as a contribution to the Administration Fund of the Employment Service Commission.

(5) All money in the Employment Service Commission Administration Fund shall be deposited, administered and

disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Any balance in this Fund shall not lapse at any time but shall be continuously available to the Employment Service Commission for expenditures consistent with this Act. A general statement that all continuing appropriations are repealed shall not be construed as abolishing this Fund.

§ 8. If and when the Employment Service returns to state control a transfer shall be made, to employment in the statewide system of public employment offices, without adverse adjustment in their classification or compensation status, of all officers and employees of the Federal Government who had been employed in the performance of Employment Service functions in Kentucky on the day preceding the effective date of such transfer; and also not later than thirty days after the date of the return of the Employment Service to state administration all properties, including equipment, now in possession of the Unemployment Compensation Commission, purchased by the Kentucky State Employment Service under the Unemployment Compensation Act of 1938, shall be transferred to the Employment Service Commission created by this Act.

§ 9. KRS 340.080 is hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Harold L. Barnes	John Y. Brown	Fred Creasey
F. H. Bassett, Jr.	Mrs. Mary Burnett	S. J. Daugherty
W. G. Biggers	Chas. W. Burnley	Adron Doran
B. J. Bonn	Alex. H. Calvert	Forest C. Easley
J. C. Bradley	W. K. Coleman	Tom Gilliam

M. B. Gilligan	Fred Morgan	Paul J. Stapleton
E. R. Hilton	E. C. Mullins	Geo. W. Steinford
Clyde S. Howard	Rodes K. Myers	Ralph G. Stone
Jerry F. Howell	Thos. A. Noe	E. N. Todd
Ira W. Hulette	Joe E. Nunn	Walter L. Trivette
Kerby Jennings	Louis T. Peniston	S. J. Wagner
Paul Jonas	L. W. Preston	Harry F. Walters
B. F. Kincaid	E. F. Prichard	W. W. Webster
Edgar Kitchen	Wade H. Riley	Geo. J. Weining
A. L. Love	Kelse H. Risner	Morris Weintraub
H. K. Lowman	Amos Runyan	Rodney Whitlow
F. G. Marquette	J. W. Simmons	John Wilborn
W. E. McClure	Luther Slusher	Mr. Speaker
J. L. Moore	Forest Smith	
J. Lee Moore	W. R. Smith	—58

Those who voted in the negative were—

C. W. Anderson	R. R. Ernst	Jack McPherron
Henry Arrowood	C. L. Hammonds	Harry L. Moore
Ott Begley	Harold G. Helm	Joe T. Morgan
Jack Bingham	Maurice Howard	Sylvester Phillips
B. K. Brantley	J. J. Huff	Hobart Rayburn
L. A. Demumbrun	W. H. Hunt	L. S. Stephens
E. R. Denny	L. H. Jones	C. W. Taylor
Bernie S. Edlin	G. O. Kirkpatrick	Ray G. Tipton
Eck Embry	Homer E. Losey	Lawrence Wells
		—27

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the Rules of this House be suspended and that the House take up for immediate consideration from the Orders of the Day a bill entitled:

S. B. 18. An Act relating to employment by the state government of persons who have served in the Armed Forces.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) Any person (other than a person appointed for a definite term and those persons who received a dishonorable discharge) who has heretofore entered, or shall hereafter enter, service in the Armed Forces of the United States in the war with foreign powers which began on December 8, 1941, and who, at the time of entering such service, was employed in a position in any agency or department of the state government, or any political subdivision thereof, shall, upon being discharged from such service, be forthwith reemployed for a period of not less than one year at the same status in the same position in which he was employed at the time he entered service, or if such position no longer exists, in an existing or created position of equal class and compensation rate.

Salary increments which would have normally accrued if the veteran had remained in the state service shall be added to the salary he was receiving at the time he entered service in the armed forces. If more than one person has entered the Armed Forces from the same position in any agency or department of the State Government, or any political subdivision thereof, and each of such persons desires reemployment in such position, the one with seniority in time of service shall be reemployed in such position and the other shall be employed in an existing or created position of equal class and compensation rate.

(2) Any person entitled to reemployment under the provisions of this act who, upon application, is not reemployed as required by this act shall have a civil action for damages against the officer having the power of appointment to such position, and said action shall be brought in the courts of the county where the office of the person violating this act is located. In addition to the civil liability, any officer having the power of appointment to a position in which any person is entitled to reemployment under this section, who fails, upon due application, to make such reemployment, shall be fined not less than One Hundred Dollars nor more than Five Hun-

dred Dollars, in the courts of the county where the offense is committed.

(3) This section is not intended to require the reemployment of any person unless such person makes application for reemployment within three months after his discharge from service in the Armed Forces, or from the date this act becomes effective, nor unless such person is physically able to perform the duties of the position in which he seeks reemployment.

(4) "Person" as used in subsection (1) of this act shall mean and include all employes other than heads of departments and those persons employed in an emergency, provisional temporary or probational status at the time of entering the military service.

Mr. Myres offered the following amendments to said bill, viz:

1. Amend S. B. 18 in House by striking therefrom in lines 20 and 21 the following words "an existing or created position of equal class and compensation" and inserting in lieu therefor the following "in the order of their entering military service."

2. Amend S. B. 18 in House by adding thereto: Section 5. Whereas, it is important that returning veterans who entered the Armed Forces from state employment be promptly reinstated in their former positions to avoid further hardships to them, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Said amendments were each agreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Sylvester Phillips
Roy W. Arnold	C. L. Hammonds	E. F. Prichard
Henry Arrowood	Harold G. Helm	Hobart Rayburn
Harold L. Barnes	E. R. Hilton	Wade H. Riley
F. H. Bassett, Jr.	Clyde S. Howard	Kelse H. Risner
Ott Begley	Maurice Howard	Amos Runyan
W. G. Biggers	Jerry F. Howell	J. W. Simmons
Jack Bingham	Ira W. Hulette	Luther Slusher
B. J. Bonn	W. H. Hunt	Forrest Smith
J. C. Bradley	Kerby Jennings	W. R. Smith
B. K. Brantley	Paul Jonas	Paul J. Stapleton
John Y. Brown	B. F. Kincaid	Geo. W. Steinford
Mrs. Mary Burnett	Edgar Kitchen	Ralph G. Stone
Chas. W. Burnley	A. L. Love	E. N. Todd
Alex. H. Calvert	F. G. Marquette	W. L. Trivette
W. K. Coleman	W. E. McClure	S. J. Wagner
Fred Creasey	Harry L. Moore	Harry F. Walters
S. J. Daugherty	J. L. Moore	W. W. Webster
Adron Doran	J. Lee Moore	Geo. J. Weining
Forest C. Easley	Fred Morgan	Morris Weintraub
Bernie S. Edlin	E. C. Mullins	Rodney Whitlow
R. R. Ernst	Rodes K. Myers	John Wilborn
A. H. Eversole	Thos. A. Noe	Mr. Speaker
Tom Gilliam	Joe E. Nunn	
M. B. Gilligan	Louis T. Peniston	—73

Those who voted in the negative were—

E. R. Denny	L. S. Stephens	Lawrence Wells
Eck Embry		—4

Mr. Myers offered the following amendment to the title of said bill, viz:

Amend the title to S. B. 18 so that it shall read as follows: This Act shall be known and cited as the Ollie Montgomery Act.

Resolved that the title thereof be as amended.

Mr. Myers moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the Rules of this House be suspended and that the House take up for immediate consideration a bill entitled:

H. B. 2. An Act relating to county roads.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 179.410 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways shall allocate the sum appropriated by the State for the construction, reconstruction, improvement and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

(2) One-third of the sum appropriated shall be apportioned among the several counties on the basis of the ratio which the number of miles of rural highways of the county bears to the total number of miles of rural highways of the state.

(3) One-third of the sum appropriated shall be apportioned among the several counties on the basis of the ratio which the rural population of the county bears to the total rural population of the state, considering as "rural" all population outside of cities of five thousand population or more.

§ 2. Section 179.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended for the construction and maintenance of the county roads designated by the fiscal courts of the several counties. The designation of

county roads to be maintained and constructed shall take into consideration the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which the funds shall be expended for that fiscal year; giving first priority to the maintenance of county roads and bridges heretofore constructed, and second priority to school bus routes recommended by the county school board, and rural mail routes. The plans for each county shall be formulated annually.

(2) Any funds apportioned to any county, less the funds, if any, expended or obligated for the construction, reconstruction or maintenance of county roads or bridges in any county, shall remain for the use and benefit of said county, and shall not be deducted from the apportionment to that county in any subsequent year, and shall not be expended in any other county or used for any other purpose.

§ 3. Section 179.430 of the Kentucky Revised Statutes is amended to read as follows:

All the funds apportioned under the provisions of KRS 179.410 shall be expended directly by the Department of Highways, and no part of the funds shall be turned over to any county or its fiscal court.

§ 4. A new section of the Kentucky Revised Statutes is created, to read as follows:

(1) There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, to be used by the Division of Rural Highways, for the reconstruction, improvement and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with KRS 179.410 to 179.430, the sum of $4,000,000.00. (Of this amount, not more than ten percent may be used for administrative purposes for Rural Highway Division in the Highway Department. When the funds hereby appropriated have been allocated to the respective counties as provided by KRS 179.410, any unexpended balance remaining to the credit of any county from

appropriation of previous years shall be carried forward and added to the allocation of the current year for each county.)

(2) There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for the construction of county rural feeder roads, designated by the fiscal courts of the several counties, the sum necessary to match any Federal funds made available for that purpose.

Said substitute is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 179.410 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Highways shall allocate the sum appropriated by the state for the construction, reconstruction, improvement, and maintenance of county roads and bridges as follows:

(1) One-third of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the rural population of each county bears to the total population of the state. Rural population, as used herein, means the population outside cities and towns having a population of five thousand or more as shown by the most recent decennial census of the United States Bureau of the Census.

(3) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

§ 2. Section 179.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) The funds apportioned the several counties under the provisions of KRS 179.410 shall be expended by the Department of Highways for the construction and maintenance of county roads and bridges in each county in accordance with previously agreed plans prepared jointly by the fiscal court

of the county and the Department of Highways, or prepared by one or the other and jointly approved.

(2) If at the end of thirty days after the beginning of the fiscal year of the Department of Highways, the department and the fiscal court of any county have failed to agree on a plan, or the department has refused to submit a plan, the department shall expend the money apportioned that county on such of the county roads and bridges thereof as the fiscal court determines, and for such class of construction or maintenance as the fiscal court determines.

(3) The designation of county roads to be maintained and constructed shall take into consideration the mileage of county roads in the particular county, the condition and needs of such roads and the manner in which the funds shall be expended for that fiscal year; giving first priority to the maintenance of county roads and bridges heretofore constructed, and second priority to school bus routes recommended by the county school board, and rural mail routes. The plans for each county shall be formulated annually.

(4) Any funds apportioned to any county, less the funds, if any, expended or obligated for the construction, reconstruction or maintenance of county roads or bridges in any county, shall remain for the use and benefit of said county, and not be deducted from the apportionment to that county in any subsequent year, and shall not be expended in any other county or used for any other purpose.

(5) The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

§ 3. Section 179.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) All the funds apportioned under the provisions of KRS 179.410 shall be expended by the Department of Highways as provided in KRS 179.420.

(2) In order to provide for the simplification of the administration, and facilitate the uniform operation of KRS

179.410 to 179.440, the Department of Highways shall prescribe such reasonable rules and regulations, not inconsistent with law, as it deems necessary and proper for the administration of this act.

§ 4. WHEREAS, the fiscal year of the Department of Highways commences on April 1, and in order to avoid administrative complications, it is necessary that the Act take effect before the beginning of such fiscal year, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Love offered the following amendment to said Substitute, viz:

Amend the Substitute for H. B. 2 on page 2 section 2, line 15 by adding the following at the end of line 15:

Approximately 58% of the apropriation allocations made by this Act to each county shall be used for construction of county roads; approximately 38% shall be used for maintenance; and not more than 4% shall be used for administration.

Mr. Myers moved the Previous Question on said amendment.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the negative.

Without objection, the aforesaid amendment was withdrawn by Mr. Love.

Mr. Stapleton offered the following amendment to said Substitute, viz.:

Amend Substitute for H. B. 2 on page 1, section 1 (2) by striking out subsection 2 of section 1, lines 8 through 13 and substituting in lieu thereof the following:

(2) One-third of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the

population of each county bears to the total population of the state.

Said amendment was disagreed to.

Mr. Hammonds offered the following amendment to said substitute, viz:

Amend the Substitute for H. B. 2 on page 3 section 2, line 35 by substituting a comma for the period after the word "year" in line 35 and adding the following: "and the amount spent on each project in the respective counties during the fiscal year."

Said amendment was agreed to.

Mr. Myers offered the following amendment to Substitute, viz:

Amend the Substitute for H. B. 2 on page 2 section 2 line 15 by adding the following at the end of line 15:

"and not more than 4% shall be used for administration."

Said amendment was disagreed to.

Mr. Jonas offered the following amendment to said Substitute, viz:

Amend the Substitute for H. B. 2 on page 1, section 1, line 12 by striking out the word "five" in line 12 and substituting in lieu thereof the word "thirty."

Said amendment was disagreed to.

Mr. Burnley moved that the House do now adjourn.

Said motion was disagreed to.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Louis T. Peniston
Roy W. Arnold	Clyde S. Howard	L. W. Preston
Harold L. Barnes	Maurice Howard	E. F. Prichard
F. H. Bassett, Jr.	Jerry F. Howell	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Kelse H. Risner
Jack Bingham	W. H. Hunt	Amos Runyan
B. J. Bonn	Kerby Jennings	J. W. Simmons
J. C. Bradley	Paul Jonas	Luther Slusher
B. K. Brantley	L. H. Jones	Forrest Smith
John Y. Brown	B. F. Kincaid	W. R. Smith
Mrs. Mary Burnett	Edgar Kitchen	E. A. Spencer
Chas. W. Burnley	Homer E. Losey	Paul J. Stapleton
Alex. H. Calvert	A. L. Love	L. S. Stephens
W. K. Coleman	H. K. Lowman	Ralph G. Stone
Fred Creasey	F. G. Marquette	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
Adron Doran	Jack McPherron	Walter L. Trivette
Forest C. Easley	Harry L. Moore	S. J. Wagner
Bernie S. Edlin	J. L. Moore	Harry F. Walters
Eck Embry	J. Lee Moore	W. W. Webster
R. R. Ernst	Fred Morgan	Geo. J. Weining
A. H. Eversole	Joe T. Morgan	Morris Weintraub
Tom Gilliam	E. C. Mullins	Lawrence Wells
M. B. Gilligan	Rodes K. Myers	Rodney Whitlow
R. M. Hall	Thos. A. Noe	John Wilborn
C. L. Hammonds	Joe E. Nunn	Mr. Speaker
Harold G. Helm		

—79

Those who voted in the negative were—

Ott Begley	J. J. Huff	Sylvester Phillips
E. R. Denny	G. O. Kirkpatrick	Geo. W. Steinford

—6

Resolved that the title thereof be as amended.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Walters moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been referred, reported bills of the following titles, viz:

By Mr. Burnley of the Committee on Agruculture #1.

H. B. 438. An Act relating to fowl.

By Mr. Morgan of the Committee on Compensation for Industrial Injuries.

S. B. 150. An Act relating to workmen's compensation.

S. B. 143. An Act relating to workmen's compensation.

By Mr. W. R. Smith, of the Committee on Judicial Council.

S. B. 77. An Act relating to bonds of sheriff.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Hall of the Committee on Motor Transportation.

H. B. 276. An Act relating to motor vehicles and operators.

With the expression of opinion that said bill ought not to pass.

No motion having been to advance said bill to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bill, it was ordered that said bill be not read at length the first time, and so said bill was rejected.

The House took up for consideration from the Calendar, bills and resolutions of the following titles, viz:

H. B. 363. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance, etc.

H. B. 426. An Act to amend Sec. 298.210 KRS relating to insurance agents.

With a Committee amendment thereto.

H. B. 386. An Act authorizing cities of the 4th class to acquire land for purpose of straightening or widening any creek, etc.

H. B. 233. An Act relating to chiropractors.

H. B. 369. An Act relating to the retirement of teachers in non-educational State Institutions.

H. B. 405. An Act relating to teacher retirement.

H. B. 411. An Act relating to teachers salaries.

H. B. 427. An Act relating to sick leave for school teachers.

H. B. 223. An Act relating to higher education for Negroes.

With Committee amendment thereto.

H. B. 448. An Act relating to burial associations.

H. B. 433. An Act to promote safe driving.

H. B. 364. An Act to regulate the making, filing and use of rates for certain kinds, types or forms of insurance.

H. B. 382. An Act relating to the Clerk of the police court in cities of the 2nd class.

H. B. 383. An Act relating to the payment of taxes in cities.

Ordered that said bills be read the second time.

The Constitutional provisions as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Howell moved that the House do now adjourn to meet again on tomorrow at ten o'clock a. m.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, MARCH 1, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend Paul S. Staufer of the First Christian Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	Harold L. Barnes	Jack Bingham
Roy W. Arnold	F. H. Bassett, Jr.	B. J. Bonn
Henry Arrowood	Ott Begley	J. C. Bradley
Walter J. Bailey	W. G. Biggers	B. K. Brantley

John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
Alex. H. Calvert
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
Tom Gilliam
M. B. Gilligan
Otto W. Goff
C. L. Hammonds
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
W. H. Hunt
Paul Jonas
L. H. Jones
B. F. Kincaid
Edgar Kitchen
Homer E. Losey
A. L. Love
E. J. Lucas
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Harry F. Walters
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Trivette moved that the privilege of the floor be extended to Mr. William E. Justice.

Said motion was agreed to.

Mr. J. Lee Moore moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to order.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Howell of the Committee on Appropriations.

H. B. 242. An Act relating to armories.

By Mr. Prichard of the Committee on Alcoholic Liquor Control #2.

H. B. 46. An Act relating to alcoholic beverages.

By Mr. McClure of the Committee on Suffrage and Elections.

H. B. 450. An Act relating to elections.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 400. An Act authorizing certain persons to condemn land and rights of way for the purpose of securing a water supply and necessary facilities pertaining thereto.

H. B. 388. An Act recognizing and establishing the boundary line between the counties of Barren, Hart and Edmonson.

By Mr. J. Lee Moore of the Committee on Revenue and Taxation.

H. B. 65. An Act relating to coin operated mechanical musical devices.

With a Committee amendment thereto.

S. B. 125. An Act increasing the salary of the Associate Commissioner of Revenue.

H. B. 116. An Act relating to revenue and taxation.

With a Committee Amendment thereto by way of Substitute therefor, and with Committee amendments to said Substitute.

By Mr. Weining of the Committee on Cities of the First class.

S. B. 15. An Act relating to county police forces.

S. B. 134. An Act relating to free Public Libraries in cities of the first class.

S. B. 135. An Act creating an independent school district in any county where a city and county children's home has been established and is being maintained under KRS Chapter 201.

S. B. 133. An Act relating to bridges in cities of the first class.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 370. An Act relating to sheriffs; amending and re-enacting sections 64.090 and 70.030 KRS.

H. B. 344. An Act relating to the condemnation of real property by a county.

H. B. 288. An Act to amend Sec. 80.190 KRS.

H. B. 409. An Act relating to old age assistance.

By Mr. Calvert of the Committee on Constitutional Amendments.

H. B. 12. An Act proposing an amendment to Section 145 of the Constitution of Kentucky, relating to the qualifications of voters.

H. B. 379. An Act to amend the Constitution of the Commonwealth to change the times for the election of public officers.

H. B. 5. An Act amending Sec. 145 of the Constitution of the Commonwealth so as to permit persons eighteen years of age to vote.

H. B. 13. An Act proposing an amendment to Sec. 145 of the Constitution of Kentucky, relating to the qualifications of voters.

H. B. 72. An Act to amend the Constitution of Kentucky to provide that real property not exceeding ten thousand dollars in value be exempt from state taxation.

H. B. 82. An Act to amend the Constitution of Kentucky to provide that real property of totally disabled War Veterans, not exceeding two thousand dollars in value be exempt from taxation.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. McClure.

H. B. 486. An Act relating to the licensing of motor vehicle operators.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.410 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"Every person except those exempted by KRS 186.420, 186.430 and 186.450, before operating any motor vehicle upon a highway, shall annually procure an operator's license. The license shall cost one dollar, of which ten cents shall be retained by the circuit court clerk as compensation for his services in indexing the record of operator's licenses issued in his county as provided in KRS 186.495, and of which fifteen cents shall be retained by the circuit court clerk to defray expenses of administering KRS 186.400 to 186.640. Ten cents shall be forwarded to the department by the clerk for the purpose of printing necessary forms and the expenses of administering KRS 186.400 to 186.640, and the remaining sixty-five cents and other monies not otherwise distributed, derived from the provisions of KRS 186.400 to 186.640, shall be paid into the State Treasury."

Section 2. Subsection (4) of section 186.430 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"No person whose operator's license or privilege to operate a motor vehicle in this state has been denied, withdrawn, cancelled, suspended or revoked as provided in KRS 186.400 to 186.640 shall operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction during the period of denial, withdrawal, cancellation, suspension or revocation."

Section 3. Section 186.450 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"Any person who, except for his lack of instructions in operating a motor vehicle, would otherwise be qualified to obtain an operator's license may apply for a temporary li-

cense and permit. Upon the payment of twenty-five cents, which is to be retained by the clerk, the circuit clerk shall issue the permit, entitling the applicant, while having the permit in his possession and while accompanied by a licensed operator who is actually occupying a seat beside the operator, to drive a motor vehicle upon the highways for not more than sixty days."

Section 4. Section 186.460 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) Except as provided in subsection (3) and (5) of this section, every applicant for an instruction permit or an operator's license shall apply in person to the circuit clerk of the county in which he resides and make application upon a form furnished by the department. The applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

"(2) Every application shall contain the full name, date of birth, sex, race, and resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, denial, revocation or refusal, and such other information as may be required.

"(3) Except as provided in subsection (5), any licensed operator whose license has not been suspended or revoked may procure an annual renewal of his license either by applying in person at the office of the circuit court clerk or by sending to the clerk by another person or by mailing his license certificate for the previous year, together with the license fee and a three-cent postage stamp. Upon receipt of any application for renewal by mail, accompanied by the certificate, the fee and the stamp, the circuit court clerk shall issue a new license to such person and forward the license to him by mail.

"(4) No person whose license has been revoked or suspended shall apply for or receive a new license until the expiration of the period for which the license was revoked or

suspended irrespective of whether or not the license was revoked or suspended for a period longer than that for which the license was issued.

"(5) The requirement of an application as provided in subsection one of this section may be waived by regulation of the department and a renewal application may be substituted therefor. However, when the department finds that it is necessary for the purpose of ascertaining whether each person previously holding a license is still qualified to have a renewal of his license, or that it is necessary for the proper administration of KRS 186.400 to 186.990, the department may by regulation require each applicant during any license year to appear in person before the circuit clerk and make a complete application on oath."

Section 5. Section 186.470 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The application of any minor under the age of eighteen for an operator's license or instruction permit shall not be granted unless the application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of the minor. If the minor has no father, mother or guardian, an operator's license or instruction permit shall not be granted to the minor unless his application is signed by a person willing to assume the obligation imposed by KRS 186.590 upon a person signing the application of a minor. Such a signature need not be required in the case of the renewal of a minor's license but the signature on the original application shall continue to make the parent, guardian or other person liable under the provisions of KRS 186.590 on all renewals of the minor's license until he reaches the age of eighteen unless the license, or any renewal thereof, is cancelled as provided in subsection (2) of this section.

"(2) Any person who has signed the application of a minor for a license may file with the department a verified written request that the license of the minor be cancelled. Thereupon the license of the minor shall be cancelled and the person who signed the application shall be relieved as to sub-

sequent acts of the minor from the laibility imposed by subsection (1) of KRS 186.590.

"(3) The department upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license shall have the license cancelled and no new license shall be issued to the minor until a new application, signed and verified, is made as required by this section."

Section 6. Section 186.510 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"The licensee shall have his license in his immediate possession at all times when driving a motor vehicle and shall display it upon demand to the circuit clerk or examiner, a justice of the peace, a peace officer, a member of the State Highway Patrol or a field deputy or inspector of the department. It shall be a defense to any charge under this section if the person so charged produces in court an operator's license, issued to him before his arrest and valid at the time of his arrest."

Section 7. Section 186.560 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The department shall forthwith revoke the license of any operator of a motor vehicle upon receiving record of his conviction of any of the following offenses:

"(a) Manslaughter resulting from the operation of a motor vehicle.

"(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drugs.

"(c) Perjury or the making of a false affidavit under KRS 186.400 to 186.640 or any law requiring the registration of motor vehicles or regulating their operation on highways.

"(d) Any felony in the commission of which a motor vehicle is used.

"(e) Conviction or forfeiture of bail upon three charges of reckless driving within the preceding twelve months.

"(f) Conviction of driving a motor vehicle involved in an accident and failing to stop and disclose his identity at the scene of the accident.

"(2) If the person convicted of any offense named in subsection (1) is not the holder of a license, the department shall deny the person so convicted a license for the same period of time as though he had possessed a license which had been revoked. If through an inadvertence the defendant should be issued a license, the department shall forthwith cancel it.

"(3) The department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of that person is denied or suspended, or revoked, or while his privilege to operate a motor vehicle is withdrawn, shall immediately extend the period of the first denial, suspension, revocation or withdrawal for an additional like period.

"(4) The revocation or denial of a license or the withdrawal of the privilege of operating a motor vehicle under this section shall be for a period of six months, except that, if the same person has had one previous conviction of any offense enumerated in subsection (1) of this section, regardless of whether the person's license was revoked because of the previous conviction, the period of the revocation, denial or withdrawal shall be one year; if the person has had more than one previous conviction of the offenses considered collectively as enumerated in subsection (1) of this section, regardless of whether the person's license was revoked for any previous conviction, the period of revocation, denial or withdrawal shall be for not less than two years."

Section 8. Section 186.570 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) The department or its agent designated in writing for that purpose may deny any person a license or may immediately suspend the license of any person, or, in the case of a nonresident, withdraw the privilege of operating a motor vehicle in this state, with or without hearing, and with or without receiving a record of conviction of that person of a crime, whenever the department has reason to believe that:

"(a) That person has committed any offenses for the conviction of which mandatory revocation of license is provided by KRS 186.560.

"(b) That person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

"(c) That person is afflicted with mental or physical infirmities rendering it unsafe for him to drive upon the highways.

"(d) That person is an habitually reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws.

"(e) That person has been issued a license without making proper application for it, as provided in KRS 186.460 and regulations properly issued pursuant to it.

"(f) A person required by KRS 186.480 to take an examination has been issued a license without first having passed the examination.

"(g) That person has been convicted of assault and battery resulting from the operation of a motor vehicle.

"(2) The department may suspend the license of any resident upon receiving notice of the conviction of that person in another state of an offense there which if committed in this state would be grounds for the suspension or revocation of an operator's license. If a person so convicted is not the holder of a Kentucky license, the department shall deny him a license for the same period as if he had possessed a license and license had been suspended. The department may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws, forward a notice of that person's conviction to the proper officer in the state of which the person so convicted is a resident.

"(3) Each license which has been cancelled, suspended or revoked shall be surrendered to and retained by the department. At the end of the period of cancellation, suspension or revocation the license may be returned to the licensee."

Section 9. It shall be the duty of every police or patrol member of the Division of Highway Patrol to take up and deliver to the proper agency any motor vehicle operator's license that has been cancelled, revoked, suspended, denied or

withdrawn under the provisions of Chapter 186 or 187 of the Kentucky Revised Statutes. At the written request of the Department of Revenue the chief officer of the Division of Highway Patrol shall cause a member or members of the patrol to do the acts required by this section.

By Messrs. Goff, Joe T. Morgan, Kirkpatrick, Steinford, Drury, Begley, Denney, and Hammonds.

H. B. 487. An act relating to Mining and production of bituminous coal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 351.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

(e) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds three-fourths of one percent at the return of any split.

(f) "Mine" means a group or system of shafts, slopes, drift or inclined planes connected by one general system of mine railroads over which coal may be delivered to one or more points outside the mine, and connected with excavations that penetrate coal strata and are ventilated by one general air current or division thereof.

(g) "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

(j) "Slope" means an inclined opening used for the same purposes as shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

§ 2. Section 351.060 of the Kentucky Revised Statutes is amended to read as follows:

351.060 (1) The Chief of the Department of Mines and Minerals shall be a male citizen of Kentucky, a graduate of an accredited mining school or university with eight years experience as a mining engineer, or a licensed engineer with at least twelve years experience as a mining engineer and with at least fifteen years mining experience, ten years of which shall have been in and about the mines of this state. He shall be thoroughly familiar with all methods of safety pertaining to the operation of mines.

(2) The Chief shall have a practical knowledge of:

(a) The different systems of working and ventilating coal mines.

(b) The nature, chemistry and properties of noxious, poisonous and explosive gases, the dangers due to such gases and the prevention of such dangers.

(c) The dangers incident to blasting and the prevention of such dangers.

(d) The methods for the management and extinguishment of mine fires.

(e) The methods for rescue and relief work in mine disasters.

(f) The application of electricity in mining operations.

(g) The application of mechanical loading in mining operations.

(h) The equipment and explosives manufactured for use in coal mines.

(i) The mechanical features of mine scales and the methods used in properly inspecting and testing such scales.

(j) The methods used in locating oil and gas wells when drilling through any coal seam.

(k) The proper manner of drilling and plugging oil and gas wells.

(l) Mining engineering.

(m) The methods for the prevention of explosions in mines due to gas or dust.

(3) The Chief shall be capable of efficiently reporting on any proposed development in mining operations or the possibility of operating any coal seam.

§ 3. Section 351.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor shall appoint for a term of four years not more than twenty-four district mine inspectors and not more than four inspectors of mine scales.

(2) All district mine inspectors and inspectors of mine scales shall be a high school graduate and shall have a thorough knowledge of first aid and mine rescue work and be able to instruct in first aid and mine rescue, shall possess thoroughly the knowledge required of the Chief of the Department by subsection (2) of KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years experience in and about coal mines, at least five years of which must have been in and about mines in this state.

(3) No person shall be appointed to the office of district mine inspector until he has passed a satisfactory examination for a first class mine foreman's certificate and inspector's certificate before the Board of Examiners. The Chief of the Department of Mines and Minerals may recommend to the

Governor applicants for district mine inspector who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine scales shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.

(5) Each district mine inspector and each inspector of mine scales shall receive a salary of not less than thirty-six hundred dollars nor more than forty-two hundred dollars per annum, payable monthly, and shall be paid their necessary traveling expenses and other expenses incurred on account of and when engaged in the discharge of their official duties. Salaries shall be determined by the Chief of the Department and approved by the Governor and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine scales shall take oath which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine scales shall give bond with surety approved by the Governor.

§ 4. Section 351.120 of the Kentucky Revised Statutes is amended to read as follows:

351.120 (1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman, or fire boss, has passed the examination given by the Board for that position and meets the requirements of subsection (6) of this section.

(2) The certificate shall be in such form as the Chief of the Department prescribes, shall be signed by the members of the Board of Examiners and shall show that the holder has passed the required examination and possesses the qualifications required by law for district mine inspector, mine foreman, or fire boss and is authorized to act as such.

(3) . Certificates issued to mine foremen shall be classified as follows:

(a) First-class certificates authorizing the holder to act as foreman for all classes of coal mines;

(b) Second-class certificates authorizing the holder to act as foreman for any non-gaseous coal mine; and

(c) Third-class certificates authorizing the holder to act as foreman for any non-gaseous coal mine in which not more than twenty-five persons are employed at one time.

(4) Any mine foreman holding a certificate of the first-class may act as fire boss, and any regularly employed fire boss may act in an emergency as a mine foreman holding a first-class certificate.

(5) The class of mine foreman's certificate awarded shall be determined by the Board of Examiners according to the nature of the examination taken by the applicant.

(6) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well-known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character and that he has had at least five years practical experience at and in coal mines or to any person who is not either a bona fide resident of this state or employed at a mine in this state.

(7) Persons possessing certificates of qualifications to act as district mine inspectors, mine foremen, or fire bosses prior to March 1, 1946, are not affected by this section.

§ 5. Section 351.140 of the Kentucky Revised Statutes is amended to read as follows:

351.140 Each district mine inspector shall give his entire time and attention to the duties of his office which shall consist of the following:

(1) Inspecting coal mines and aiding under the direction of the Chief of the Department in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the Chief is not present, and assisting in such work in other districts when so directed by the Chief;

(5) Reopening mines or portions of mines that have been sealed on account of fire or any other cause when called upon by the owner or operator and directed by the Chief to do so; and

(6) Visiting each mine in his district at least once every four months, or oftener if practicable, and wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

§ 6. Section 351.190 of the Kentucky Revised Statutes is amended to read as follows:

The Chief of the Department shall partition the coal fields of the state into mine rescue divisions, of which there shall be at least one in the western coal field and at least two in the eastern coal field. In each division there shall be a main mine rescue station, the location of which shall be determined by the Chief, and there shall be kept at each station apparatus, appliances and supplies for use in the work of rescue and relief upon the occurrence of explosions or mine fires and for the training of officials and miners in mine rescue work. The Chief shall provide each station with the necessary instruments, appliances, apparatus, chemicals and trucks and shall designate one of the district inspectors to have charge of each station.

In addition to the equipment maintained at each main mine rescue station, two of the district inspectors in the western coal field shall be provided with six all service gas masks and four of the district inspectors in the eastern coal field shall each be provided with six all service gas masks for emergency use. The location of the thirty-six all service gas masks shall be fixed by the Chief of the Department.

§ 7. Section 352.060 of the Kentucky Revised Statutes is amended to read as follows:

352.060 Any mine or mines classified by the Department as "gaseous" shall be rock-dusted. All non-gaseous dry mines, or parts of mines, or sections thereof, shall be rock-dusted if conditions are found to be dusty or hazardous, after proper inspection. In event such conditions are found to exist then the Chief or his accredited representative shall require the necessary rock-dusting to make the mine, part of mine, or section safe. In all mines, accumulations of fine, dry coal dust shall, as far as practicable, be removed from the mine and all dry and dusty operating sections kept thoroughly watered or rock-dusted, or the dust allayed by other methods approved by the Chief of the Department.

By Mr. M. Howard.

H. B. 488. An Act relating to claims against a decedent's estate.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 396.090 of the Kentucky Revised Statutes is amended to read as follows:

If the personal estate of a decedent is not sufficient to pay his liabilities, then the burial expenses of the decedent of not more than five hundred dollars, the cost of the administration of his estate, and the amount of the estate of a dead person, or of a ward, or of a person of unsound mind, committed by a court of record to and remaining in the hands of a decedent, shall be paid in full before any pro rata distribution is made, but this preference shall not extend to a demand foreign to this state. All other debts and liabilities shall be of equal dignity, and paid ratably in the administration of his estate, and if more than the ratable share of any debt is paid, the personal representative shall only receive credit for its proper proportion.

By Mr. Stone.

H. B. 489. An Act to prohibit the operation of dead

animal disposal plants within certain areas in counties containing cities of the first class; etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1—On and after January 1st, Nineteen Hundred and Fifty Two (1952) no person firm or corporation shall engage in, or be engaged in the operation of a dead animal disposal plant within a radius of eight miles from a City of The First Class, the postponement of the date of effectiveness herein provided being for the purpose of permitting any one now engaged in such business to remove their plant to a distance from such City of the First Class as will not prove a menace to public health nor a public nuisance.

Sec. 2—Any person firm or corporation found guilty of a violation of this Act shall be deemed guilty of a misdemeanor and fined in an amount not less than one hundred dollars nor more than five hundred dollars, and each separate day of operation thereafter shall constitute an additional and separate offense.

Sec. 3—All laws or parts of laws in conflict herewith are hereby repealed.

By Mr. Ralph Stone.

H. B. 490. An Act to prohibit the operation by any person, firm or corporation of engaging in the disposal of dead animals within the corporate limits of a City of the First Class, defining violations of the Act and fixing penalties therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No person, firm or corporation shall be engaged in, or become engaged in the disposal of the carcasses of dead animals within the corporate limits of a City of the First Class.

Sec. 2. Upon conviction of a violation of this Act, the person, firm or corporation shall be deemed guilty of a misdemeanor and punished by a fine not less than One Hundred Dollars nor more than five hundred dollars, and each day of operation thereafter, shall be held a separate offense.

Sec. 3. All laws or parts of laws in conflict herewith are hereby repealed.

By Messrs. Begley and W. R. Smith.

H. Res. 103. A Joint Resolution to allow Charles Cornett, former Sheriff of Perry County, to recover of the State of Kentucky, the sum of $80.87, for the transportation expenses incurred in returning Sam Stidham from Muskegon, Michigan, to the Judge of the Perry Circuit Court.

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Charles Cornett, former Sheriff of Perry County, Kentucky, be paid the sum of $80.78, for making a trip to Muskegon, Michigan, for the purpose of returning Sam Stidham who stood indictment in the Perry Circuit Court upon the charge of Knowlingly Receiving Stolen Property and delivering him to the Honorable Roy Helm, Judge of the Perry Circuit Court.

Ordered that said bills and resolutions be printed and referred.

Mr. Wagner moved that a Committee be appointed to make arrangements for the return Assembly Ball.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Stapleton, Noe, Arnold, Peniston, Drury, Risner, Kitchen, Denny, Brantley and Tipton as members constituting said Committee.

Mr. Runyon of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills and resolutions entitled:

H. Res. 17. Resolution authorizing Viola Whitlow to sue the Commonwealth.

H. Res. 18. Resolution authorizing Lena Ruth Clemons, an infant nineteen years of age, to sue the Commonwealth.

H. B. 165. An Act relating to aviation.

H. B. 166. An Act relating to airport zoning.

H. B. 145. An Act relating to cities.

H. B. 102. An Act relating to marriage.

Thereupon all other business was suspended, and said bills and resolutions were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and resolutions, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 300. An Act relating to public health.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 419. An Act relating to the office of assessor in cities of the first class, etc.

H. B. 418. An Act relating to cities of the first class.

H. B. 406. An Act authorizing cities of the first class to provide public liability insurance for the police and fire departments.

H. B. 410. An Act authorizing the establishment of memorials in honor of World War II veterans.

H. B. 346. An Act to regulate the practice of public accounting.

H. B. 399. An Act relating to compensation and travel allowance for members of the General Assembly.

S. B. 103. An Act to amend Sec. 403.030 KRS relating to actions for divorce.

H. B. 387. An Act regulating the propagation and keeping of bees.

H. B. 301. An Act relating to the State Fair Board.

With Committee amendments thereto.

S. B. 27. An Act relating to the police force in cities of the 4th and 5th classes.

H. B. 278. An Act relating to county school superintendents.

H. B. 438. An Act relating to fowl.

S. B. 150. An Act relating to workmen's compensation.

S. B. 143. An Act relating to workmen's compensation.

S. B. 77. An Act relating to bonds of sheriff.

Ordered that said bills be read the second time.

The constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The hour of eleven o'clock a. m. having arrived, that being the hour for the Special Order of the Day, to-wit: a bill entitled:

H. B. 109. An Act relating to State Tuberculosis Sanatoria.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 215.071 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The state is hereby divided into nine tuberculosis sanatoria districts, having the same numbers and boundaries as the Congressional districts in the state.

(2) KRS 215.071 to 215.079 shall provide for the establishment of a state tuberculosis sanatorium in each of the tuberculosis sanatoria districts, with the exception of the Third District, which is adequately served by the Hazelwood Sanatorium. Any state tuberculosis sanatorium heretofore established in any of the six districts created by Chapter 97 of the Acts of 1944 shall be deemed to constitute the sanatorium for the district created by subsection (1) of this section in which the sanatorium is located.

§ 2. Section 215.073 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The Tuberculosis Sanatoria Commission of Kentucky shall select suitable sites for the establishment of a state tuberculosis sanatorium in each of the districts enumerated in KRS 215.071 in which it has not previously selected a site (except the Third District). The commission shall have authority to acquire by gift, purchase, condemnation or otherwise such tracts of land, as the commission considers best suited for the purpose. The commission shall select sites where there is an adequate municipal water supply and where there is convenient access to utility service and fuel. The commission may acquire tracts of land upon which buildings are erected. If it is necessary to acquire land by condemnation, the procedure shall be as provided in KRS 416.120. Title to any real estate acquired under this section shall be taken in the name of the Commonwealth.

(2) The commission shall have authority to expend not more than fifteen thousand dollars, out of sums available to the commission for the purpose, for the acquisition of such additional sites, except that the Governor, in his discretion, may supplement such amount out of any emergency fund at his disposal.

(3) In lieu of acquiring a tract of land on which to erect a sanatorium in any district, the commission may, with the approval of the Governor, acquire by gift, purchase or otherwise any existing hospital, institution or colony in such district that is adaptable for sanatorium purposes and that has adequate water and utility services, municipal or otherwise, available.

§ 3. WHEREAS, provision has been made for the establishment of state tuberculosis sanatoria, under the provisions of Chapter 97 of the Acts of 1944, in Congressional Districts Nos. 2, 4, 6, 8 and 9, and funds for that purpose were made available by Chapter 1 of the Acts of the Second Extraordinary Session of 1944, and

WHEREAS, it is the intention of this Act that a state tuberculosis sanatorium be established in each Congressional

District (except District No. 3, which is served by Hazelwood Sanatorium),

NOW THEREFORE, there is hereby appropriated, out of the unencumbered cash balance in the General Expenditure Fund in the State Treasury as of the close of business on June 30, 1946, the sum of $900,000, which shall be used for the construction, equipment and furnishing of state tuberculosis sanatoria in State Sanatoria Districts Nos. 1, 5 and 7 (which are the same as Congressional Districts Nos. 1, 5 and 7), the same to be available for expenditure in the same manner and for the same period as provided in paragraph (k) of item 26 of Part One of Chapter 1 of the Acts of the Second Extraordinary Session of 1944, and in accordance with the provisions of KRS 215.074.

Mr. Steinford offered the following amendment to said bill, viz.:

Amend H. B. 109 on page 3 by adding after line 18 on page 3 the following:

If as much as $900,000 does not remain on hand at the end of the fiscal year ending June 30, 1946, so much as does remain on hand is hereby appropriated. If less than $900,000 is hereby appropriated at the end of the fiscal year ending June 30, 1946, an additional amount equal to the difference between the amount then appropriated and $900,000 shall be appropriated at the end of the fiscal year ending June 30, 1947. If the unencumbered cash balances in the General Expenditure Fund on June 30, 1946 and June 30, 1947 have not been such as to have permitted a total of $900,000 to have been appropriated by June 30, 1947, an additional amount equal to the difference between the total amount then appropriated and $900,000 shall be appropriated at the end of the fiscal year ending June 30, 1948. It is the intent and purpose of this Act to appropriate a total of $900,000 as provided herein out of any unencumbered cash balances in the General Expenditure Fund at the end of the fiscal years ending June 30, 1946, June 30, 1947 and June 30, 1948.

Said amendment was agreed to.

Mr. Weintraub moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Walter J. Bailey	Clyde S. Howard	Joe E. Nunn
Harold L. Barnes	Maurice Howard	Louis T. Peniston
W. G. Biggers	Jerry F. Howell	Sylvester Phillips
B. J. Bonn	J. J. Huff	E. F. Prichard
J. C. Bradley	Ira W. Hulette	Kelse H. Risner
B. K. Brantley	W. H. Hunt	Amos Runyan
John Y. Brown	Paul Jonas	J. W. Simmons
Mrs. Mary Burnett	L. H. Jones	Paul J. Stapleton
Chas. W. Burnley	B. F. Kincaid	Geo. W. Steinford
Alex. H. Calvert	Edgar Kitchen	Ralph G. Stone
W. K. Coleman	A. L. Love	E. L. Thompson
Fred Creasey	E. J. Lucas	Walter L. Trivette
G. I. Drury	E. H. Martin	S. J. Wagner
Bernie S. Edlin	W. E. McClure	Harry F. Walters
R. R. Ernst	Jack McPherron	Lyle H. Webb
Tom Gilliam	J. Lee Moore	Morris Weintraub
M. B. Gilligan	Fred Morgan	Lawrence Wells
C. L. Hammonds	Rodes K. Myers	Rodney Whitlow
E. R. Hilton	Thos. A. Noe	John Wilborn

—57

Those who voted in the negative were—

C. W. Anderson	Eck Embry	L. W. Preston
F. H. Bassett, Jr.	Harold G. Helm	Forrest Smith
Ott Begley	Homer E. Losey	L. S. Stephens
S. J. Daugherty	Harry L. Moore	Ray G. Tipton
E. R. Denny	Joe T. Morgan	E. N. Todd
Forest C. Easley	E. C. Mullins	W. W. Webster

—18

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that a bill entitled:

S. B. 123. An Act relating to ad valorem taxation of the right to receive income.

Be taken from the Orders of the Day, and placed on the Clerk's Desk.

Said motion was agreed to.

Mr. Howell moved that the House take up for immediate consideration from the Orders of the Day, a bill entitled:

H. B. 428. An Act relating to the Mayor pro-tem and vacancies in the office of Mayor and City Commissioners, in certain cities of this Commonwealth.

Said motion was agreed to.

Thereupon the House took up for immediate consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1

That Section 89.520 of the Kentucky Revised Statutes, relating to the Mayor pro-tem and vacancies in the office of Mayor and City Commissioners in cities of the second class in this Commonwealth be amended and re-enacted so that as amended and re-enacted same shall read as follows:

(1) The Board of Commissioners shall, at the beginning of its term of office, by a majority vote, elect one commissioner to act as Mayor pro-tem.

(2) During the temporary absence from the city or disability of the Mayor, the Mayor pro-tem shall be vested with all the powers and perform all the duties of the Mayor.

(3) In case of the death, resignation or permanent disability of the Mayor, the Mayor pro-tem shall act as Mayor and receive his salary, under the official title of Mayor pro-tem, until the vacancy in the office of Mayor is filled by an election ordered by the Board of Commissioners for that purpose. At that time the Mayor pro-tem, if his term as commissioner has not yet expired, shall resume his duties as commissioner.

If for any reason the members of the Board of Commissioners shall fail or refuse by majority vote for a period of fifteen days or more to select one of the members of such board as Mayor pro-tem then and in that event, the member of such Board of Commissioners who received the highest number of votes at the last general election held for members of such board as certified by the County Board of election Commissioners shall upon presentation to the Board of city Commissioners of a certificate signed by the Chairman of the County Board of election Commissioners certifying such fact immediately become Mayor pro-tem and become invested with the powers and receive the pay provided for in this section.

(4) If any commissioner is necessarily absent from the city for more than thirty days, or for the same period is unable to discharge the duties of his office, or if the Mayor pro-tem is filling the office of Mayor for such period, the Board of Commissioners may fill the office temporarily by appointment. The appointee shall discharge the duties of the commissioner whose place is thus temporarily filled until the commissioner

returns or becomes fit for and resumes his duties. The temporary appointee shall serve without compensation.

(5) In the event of a permanent vacancy in the office of any commissioner caused by death, resignation or inability, or if a permanent vacancy in the office of Mayor is filled by the Mayor pro-tem, the vacancy shall be filled by appointment by the other members of the board until the vacancy is filled by the election of a successor at the next general election of municipal officers. The temporary appointee, shall, for the time he serves as such, receive the salary of the commissioner whose place he has been appointed to fill.

When there is a tie vote in the Board of Commissioners in the selection of a city commissioner to fill a permanent vacancy and a deadlock results and continues for fifteen days or longer, the city clerk shall cause to be entered upon the minutes of the Board of city commissioners a notation reciting the facts as to the existence of such deadlock and the question upon which it has occurred and exists, and thereupon, unless an appointment to fill such vacancy is immediately made the Mayor or Mayor pro-tem whichever shall then be officially presiding, shall make such appointment.

(6) A vacancy shall exist when any elective officer fails to qualify, dies, resigns, moves his domicile outside the city, remains outside the city for a period of six months, is convicted of a felony, is judicially declared insane, or is removed from office in any manner. In cities of the second and third classes elective officers must qualify within ten days after receiving notice of their election. In cities of the fourth class elective officers must qualify on or before the first Monday in January following their election.

SECTION 2

WHEREAS, this act will expedite the administration of the affairs of municipalities affected thereby and prevent confusion and uncertainty as to the legality of their official acts, an emergency is declared to exist and this act shall take effect and be in force from and after its approval by the Governor.

Mr. Steinford offered the following amendment to said bill, viz.:

Amend H. B. 428 on page 1, section 1, line 4 after the words "second class" by inserting the words "third class or fourth class"

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Walter J. Bailey	M. B. Gilligan	J. Lee Moore
Harold L. Barnes	C. L. Hammonds	Fred Morgan
F. H. Bassett, Jr.	Harold G. Helm	E. C. Mullins
Ott Begley	E. R. Hilton	Rodes K. Myers
W. G. Biggers	Clyde S. Howard	Joe E. Nunn
B. J. Bonn	Jerry F. Howell	Louis T. Peniston
J. C. Bradley	J. J. Huff	Sylvester Phillips
Mrs. Mary Burnett	Ira W. Hulette	L. W. Preston
Chas. W. Burnley	W. H. Hunt	E. F. Prichard
Alex. H. Calvert	Paul Jonas	Hobart Rayburn
W. K. Coleman	L. H. Jones	Kelse H. Risner
Fred Creasey	B. F. Kincaid	Amos Runyan
S. J. Daugherty	Edgar Kitchen	J. W. Simmons
L. A. Demumbrun	Homer E. Losey	Forrest Smith
E. R. Denny	A. L. Love	Paul J. Stapleton
G. I. Drury	E. J. Lucas	Geo. W. Steinford
Bernie S. Edlin	E. H. Martin	L. S. Stephens
Eck Embry	W. E. McClure	Ralph G. Stone
R. R. Ernst	Jack McPherron	E. L. Thompson
Tom Gilliam	Harry L. Moore	Ray G. Tipton

E. N. Todd	Lyle H. Webb	Lawrence Wells
Walter L. Trivette	Geo. J. Weining	Rodney Whitlow
Harry F. Walters	Morris Weintraub	John Wilborn

—69

Resolved that the title thereof be as aforesaid.

Mr. Steinford moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 397. An Act relating to the classified service under the Merit System in cities of the first class, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 90.120 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

(1) There shall be created and established in cities of the first class a Civil Service Board to be known as .....Louisville.....Civil Service Board. Said
(Insert name of city)
Board shall consist of five members of whom four shall be appointed by the mayor and the mayor shall be the fifth member ex officio. Any Civil Service Board heretofore established pursuant to KRS 90.110 to 90.240 shall be enlarged to accord with the provisions of this section. The mayor, as ex officio member, shall not have the right to vote except when necessary to break a tie. The appointive members shall be selected equally from the two political parties casting the highest and next highest number of votes at the last preceding general election and shall be persons in sympathy with the merit principle of public personnel administration. All members shall be appointed for a four year term. In any city in which there has been heretofore established a Civil Service Board pursuant to KRS 90.110 to 90.240 the mayor shall

appoint the additional appointive member herein provided for, for a term commencing July 1, 1946, and other appointments by the mayor of such a city to said Board shall be made at the conclusion of the term of the present incumbents and shall be made in such a way as to have said Board conform as soon as practicable to the equal division between political parties. Vacancies created by death, resignation and otherwise shall be filled for the unexpired portion of the term only. Any member of the Board appointed according to the provisions of this section shall be eligible for reappointment unless said reappointment would offend the equal political division of said Board.

(2) No member of the said Board shall be eligible for any appointive office of the city while a member of said Board, or for one year thereafter. If a member of the Board becomes a candidate for an elective office, he thereby vacates his position as a member of the Board.

(3) Any member of the Board may be removed by the mayor, for cause, after hearing by the mayor, and after at least ten days notice in writing shall have been given to the member, which notice shall contain a copy of charges preferred against him. At the hearing he may be represented by counsel. The finding of the mayor shall be final and removal results in vacancy in such office.

Section 2. Section 90.150 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

(1) The classified service covered by KRS 90.110 to 90.240, and hereby placed under the jurisdiction of the Board, shall include all offices, positions, and places of employment, except as herein provided, in the following departments and agencies in the service of the city to wit: The department of public safety, the department of public health, the department of public welfare, and the civil service board; if any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the city, such offices, positions or places of employment shall continue to be covered by KRS 90.110 to 90.240. The classified service shall also include all other offices and positions and places of employment in other

departments or agencies of the city or serving the city to which the classified service may be hereafter extended pursuant to the provisions of KRS 90.210, or any other Act.

(2) The following offices, positions, and places of employment, in the departments and agencies hereinabove specifically named, are excluded from the classified service, to wit:

(a) The director of safety and the following positions in that department, to wit: Private secretary, the chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen; superintendent and animal catchers, and caretakers, in division of city pound; supervising inspector of weights and measures, and inspector of weights and measures, and deputy inspector, in division of weights and measures.

(b) The director of health and the following positions in that department, to wit: Private secretary, kitchen helpers, cleaners, waitresses, house maids, janitresses, laundresses, hospital resident medical staff, University visiting staff, student nurses, bona fide University students.

(c) The director of welfare and the following positions in that department, to wit: Private secretary, janitors, cleaners, laundresses, night watchman, truck drivers, kitchen helpers, janitresses, park laborers, bona fide University students.

(d) Members of the civil service board and the personnel director.

Provided, however, the offices, positions and places of employment excluded by paragraphs (a), (b), (c) and (d) of this section from the classified service may hereafter be placed in the classified service, under and in accordance with the provisions of Section 9 of this Act (KRS 90.210), except that the offices or positions of director of safety, chief of police, assistant chief of police, chief of detectives, chief of firemen, assistant chief of firemen, director of health, director of welfare, and members of the civil service board shall not be in the classified service whether theretofore or not placed in said classified service, and provided, further, that no office, position or place of employment which is placed in

the classified service after February 15, 1946, by action of the legislative body of the city shall be in the classified service.

(3) Any classified employee in the department of safety, who shall accept any appointment and qualify as chief of police, assistant chief of police, chief of detectives, chief of firemen, or assistant chief of firemen, shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of said respective positions. Should any such chief or assistant chief, or chief of detectives, cease to serve as such, there shall be restored to him the same classification and rank which he held prior to said appointment.

Section 3. Section 90.210 of the Kentucky Revised Statutes is hereby amended and as amended reads as follows:

The Board, without additional compensation, shall perform, under and pursuant to the provisions of KRS 90.110 to 90.240, the same services and duties provided for herein, for any department, board or agency of such city or any joint board or joint agency of such city and such county, in which said city is located, if and when by statute or by action of the governing body or any independent agency, the personnel or part or parts thereof of such department, board or agency, or joint board or joint agency, is placed under the merit system. And it is further provided that any independent agency of the city government may adopt the provisions of KRS 90.210 to 90.240 covering such offices, positions or classes of positions, or places of employment, in such agency, as the governing body of such agency may designate. When the provisions hereof shall have been extended by statute, or by action of the governing body of any independent agency, then all of the provisions of KRS 90.110 to 90.240 shall be applied to such offices, positions, and places of employment, in such departments, boards, agencies, and joint boards or joint agencies, the same as if originally included herein. The date of any extension of the provisions of KRS 90.110 to 90.240 to include additional offices, positions, or classes of positions, or places of employment shall be considered as the effective date of those sections with respect

thereto, and employees then holding such offices, positions or places of employment, thereby made subject to the provisions of KRS 90.110 to 90.240 shall be considered as having satisfied all of the qualifications for obtaining original appointment under those sections, and shall be considered as having been given probationary appointments as defined in KRS 90.110, as of the date they are thus placed in the classified service hereunder.

Mr. Phillips moved that said bill be made a Special Order of the Day, for Tuesday, March 5, at seven-thirty o'clock p. m.

Without objection, said motion was withdrawn by Mr. Phillips.

Mr. Stone offered the following amendments to said bill, viz.:

1. Amend H. B. 397 on page 1, section 1, line 4 by striking out the word "Louisville."

2. Amend H. B. 397 on page 2, section 1, lines 13 and 14 by striking out the words "and shall be persons in sympathy with the merit principle of public personnel administration." in lines 13 and 14, and placing a period after the word "election" in line 13.

Said amendments were each agreed to.

Mr. Howell moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same

being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Walter J. Bailey	M. B. Gilligan	L. W. Preston
Harold L. Barnes	Jerry F. Howell	E. F. Prichard
F. H. Bassett, Jr.	Ira W. Hulette	Kelse H. Risner
W. G. Biggers	Paul Jonas	J. W. Simmons
B. J. Bonn	B. F. Kincaid	Forrest Smith
J. C. Bradley	Edgar Kitchen	Paul J. Stapleton
John Y. Brown	A. L. Love	Geo. W. Steinford
Mrs. Mary Burnett	F. G. Marquette	Ralph G. Stone
Chas. W. Burnley	E. H. Martin	E. L. Thompson
Alex. H. Calvert	W. E. McClure	E. N. Todd
W. K. Coleman	J. Lee Moore	Walter L. Trivette
Fred Creasey	Fred Morgan	S. J. Wagner
S. J. Daugherty	Rodes K. Myers	Harry F. Walters
G. I. Drury	Thos. A. Noe	Geo. J. Weining
Forest C. Easley	Joe E. Nunn	Morris Weintraub
Tom Gilliam	Louis T. Peniston	John Wilborn

—48

Those who voted in the negative were—

C. W. Anderson	Harold G. Helm	Joe T. Morgan
Ott Begley	Maurice Howard	Sylvester Phillips
B. K. Brantley	J. J. Huff	Hobart Rayburn
L. A. Demumbrun	W. H. Hunt	E. A. Spencer
E. R. Denny	L. H. Jones	L. S. Stephens
Bernie S. Edlin	Homer E. Losey	Ray G. Tipton
Eck Embry	E. J. Lucas	Lyle H. Webb
R. R. Ernst	Harry L. Moore	Lawrence Wells
C. L. Hammonds		

—25

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred a bill previously introduced, as follows:

H. B. 380 To Committee on Alcoholic Liquor Control No. 2.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 85. Resolution for the benefit of officers and employees of the Senate and House.

With a Committee amendment thereto.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That there is hereby appropriated from the Legislative Session Fund additional allowances to cover necessary expenses for the following employees and officers of the Senate and House of Representatives, viz: Assistant Clerks, Enrolling Clerks, Sergeant-at-Arms, Doorkeepers, Cloakroom Keepers, Janitors and Pages, to that compensation provided in KRS 6.230, the sum of $15,924.00.

Section 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall draw a warrant for the sum of $6,424.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute such expense allowances on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1946, the rate per day to be computed by said Chief Clerk and the Committee on Committees of the Senate on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

Section 3. The Chief Clerk of the House of Representatives and the Commissioner of Finance shall draw a warrant for the sum of $9,500.00 on the State Treasurer of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such expense allowances on the basis of

the number of days that such employees and officers served during the regular session of the General Assembly in 1946. The rate per day to be computed by the said Chief Clerk and the Speaker of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by KRS 6.230.

All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart for various sections of the State, an emergency is hereby declared to exist, and this resolution shall be effective from and after its passage and approval by the Governor.

Said Committee amendment is as follows, viz.:

Amend H. Res. 85 on pages 1 and 2, sections 1, 2 and 3 by changing the amounts of money referred to in said bill, as follows:

Substitute $14,632 in place of $15,924.00 in line 6 of Section 1.

Substitute $6132.00 in place of $6424 in line 3 of section 2.

Substitute $8500.00 in place of $9500.00 in line 3 of section 3.

Said amendment was agreed to.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Clyde S. Howard	L. W. Preston
Roy W. Arnold	Maurice Howard	E. F. Prichard
Walter J. Bailey	Jerry F. Howell	Hobart Rayburn
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
W. G. Biggers	W. H. Hunt	J. W. Simmons
B. J. Bonn	Kerby Jennings	Forrest Smith
J. C. Bradley	Paul Jonas	E. A. Spencer
B. K. Brantley	B. F. Kincaid	Paul J. Stapleton
John Y. Brown	Homer E. Losey	Geo. W. Steinford
Mrs. Mary Burnett	E. J. Lucas	L. S. Stephens
Chas. W. Burnley	F. G. Marquette	Ralph G. Stone
Alex. H. Calvert	E. H. Martin	E. L. Thompson
W. K. Coleman	W. E. McClure	Ray G. Tipton
Fred Creasey	Jack McPherron	E. N. Todd
S. J. Daugherty	Harry L. Moore	Walter L. Trivette
L. A. Demumbrun	J. Lee Moore	S. J. Wagner
G. I. Drury	Fred Morgan	Harry F. Walters
Forest C. Easley	E. C. Mullins	Lyle H. Webb
Bernie S. Edlin	Rodes K. Myers	Geo. J. Weining
Tom Gilliam	Thos. A. Noe	Morris Weintraub
M. B. Gilligan	Joe E. Nunn	Lawrence Wells
C. L. Hammonds	Louis T. Peniston	Rodney Whitlow
Harold G. Helm	Sylvester Phillips	John Wilborn
E. R. Hilton		

—73

Those who voted in the negative were—

Harold L. Barnes A. L. Love —2

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the orders of the Day, a resolution entitled:

H. Res. 77. Resolution appropriating the sum of

$1000.00 for an additional contingent fund for the Clerk of the House.

Said resolution is as follows, viz.:

Be It Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying additional necessary expenses incurred by the Chief Clerk of the House of Representatives, and the office of the Speaker, under the dirction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 1 of the Acts of the Second Extraordinary Session of 1944 for legislative sessions as a contingent fund, the sum of One Thousand ($1000.00) Dollars. Said fund shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the House of Representatives.

Whereas, it is necessary that this additional contingent fund for the Chief Clerk of the House of Representatives and the office of the Speaker, be immediately available, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length having been dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	B. J. Bonn	Alex. H. Calvert
Roy W. Arnold	J. C. Bradley	W. K. Coleman
Walter J. Bailey	B. K. Brantley	Fred Creasey
Harold L. Barnes	John Y. Brown	S. J. Daugherty
F. H. Bassett, Jr.	Mrs. Mary Burnett	L. A. Demumbrun
Ott Begley	Chas. W. Burnley	G. I. Drury

Forest C. Easley	E. H. Martin	Forrest Smith
Tom Gilliam	W. E. McClure	E. A. Spencer
Harold G. Helm	Jack McPherron	Jaul J. Stapleton
E. R. Hilton	Harry L. Moore	Geo. W. Steinford
Clyde S. Howard	J. Lee Moore	L. S. Stephens
Maurice Howard	Fred Morgan	Ralph G. Stone
Jerry F. Howell	E. C. Mullins	E. L. Thompson
J. J. Huff	Rodes K. Myers	Ray G. Tipton
Ira W. Hulette	Thos. A. Noe	E. N. Todd
W. H. Hunt	Joe E. Nunn	Walter L. Trivette
Kerby Jennings	Louis T. Peniston	S. J. Wagner
Paul Jonas	Sylvester Phillips	Harry F. Walters
B. F. Kincaid	L. W. Preston	Lyle H. Webb
Edgar Kitchen	E. F. Prichard	Geo. J. Weining
A. L. Love	Kelse H. Risner	Morris Weintraub
E. J. Lucas	Amos Runyan	Lawrence Wells
F. G. Marquette	J. W. Simmons	Rodney Whitlow

—69

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said resolution was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body, entitled:

S. Res. 10. Resolution authorizing the personal representative of Les Ward, deceased, to sue the Commonwealth.

Said resolution is as follows, viz.:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Les Ward be and hereby is authorized and permitted to sue the Commonwealth of Kentucky in the Rowan Circuit Court for such damages as may have been suffered and sustained by said estate by reason of the injury and death of Les Ward, and upon the

trial of said cause, if it should be proven that Les Ward met his death while endeavoring to arrest a fugitive or a law violator, then the moral obligation of the Commonwealth of Kentucky to indemnify his estate is hereby expressly recognized, acknowledged and validated, and the jury shall award such damages as said estate has suffered by reason of such death, occasioned by the rendition of a public service. The Attorney General is hereby authorized to compromise or settle this claim and any settlement that may be so effected or any judgment that may be recovered by the said personal representative shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil case.

S. Res. 14. Resolution authorizing Jerry Hall to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Jerry Hall be and he is authorized to sue the Commonwealth of Kentucky in the Floyd Circuit Court for damages resulting from personal injuries and injuries to his truck, caused by alleged negligence on the part of the employees of the Commonwealth of Kentucky while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of Ten Thousand ($10,000.00) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the

Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. 16. Resolution authorizing J. H. Webb to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. H. Webb, of Pikeville, Ky., is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal injuries and medical expenses, caused by alleged negligence on the part of employees of the Commonwealth of Kentucky, while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of ten thousand dollars.

The Attorney General of the Commonwealth of Kentucky, may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant and 381.680 shall be complied with except that when the pumping station site and pipe line are located on cliff land and do not cross any tillable land the pumps and pipe may be located above ground.

The procedure for condemnation shall be that set forth in KRS 416.010 to 416.080.

S. Res. 17. Resolution authorizing Wendell Webb to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Wendell Webb, of Pikeville, Ky., is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal injuries, medical expenses and injuries to his car, caused by alleged negligence on the part of employees of the Commonwealth of Kentucky, while said employees were in the line of duty as agents of the Commonwealth. Said suit shall be for a sum not in excess of ten thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. 23. Resolution authorizing Clifford Alexander to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Clifford C. Alexander of McCracken County, Kentucky, is hereby authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky in the McCracken Circuit Court for damages resulting from property damage and personal injuries caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky and the Department of Highways of Kentucky while said employee was engaged in the line of duty as an employee of this Commonwealth and its Department of High-

ways in the operation of a motor vehicle of the Commonwealth of Kentucky and Department of Highways.

Said suit shall not be for a sum in excess of $5,000.00.

No plea of limitation shall be interposed if said suit is commenced within one year from the effective date of this resolution.

The Attorney General of the Commonwealth of Kentucky may investigate said claim against the Commonwealth and the Department of Highways, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth or its Department of Highways an dthis resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. 32. Resolution authorizing Oscar Forester to sue the Commonwealth.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Oscar H. Forster, of Campbell County, Kentucky, is authorized to sue the Commonwealth of Kentucky in Grant County Circuit Court for property damage caused by the alleged negligence on the part of employee of the Commonwealth of Kentucky while said employee was in the line of duty as employee of the Commonwealth of Kentucky.

Said suit shall be in a sum not to exceed two hundred and fifty ($250.00) dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, as he deems is advisable. Any amount recovered in

said sum or by settlement with the an order of the circuit court entered upon the order book, and a certified copy of the order, and any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(3) In counties having a population of two hundred thousand or over, the circuit court, in general term, shall fix the salary of the chief deputy commissioner at not exceeding $4,800.00 per annum, and the salary of each other deputy commissioner at not exceeding $4,200.00 per annum.

(4) The salaries provided for by subsections (2) and (3) of this section shall be paid out of the fees of the office."

S. Res. 19. Resolution appropriating the sum of $802.11 to the War Department.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) There is hereby appropriated from the General Expenditure Fund of the Commonwealth a sum of $802.11 to reimburse and pay to the War Department of the United States government for supplies and equipment furnished the Kentucky National Guard under the National Defense Act.

(2) The Department of Finance is directed to issue its warrant upon the State Treasurer for the sum of $802.11, payable to the War Department of the United States government..

S. B. 142. An Act relating to the investment of the funds of domestic life insurance companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in addition to the investments now authorized by law, the capital surplus and all accumulations of every domestic life insurance company may be invested:

(1) In loans to veterans of World War II, guaranteed in whole or in part by the United States, pursuant to Title III

of the Act of Congress, known as the "Service Men's Readjustment Act of 1944," as amended by Title 588, Public Law 268, 79th Congress, and any amendments thereto, provided such guaranteed loans are liens upon real estate.

(2) In the bonds, notes, or debentures of solvent, incorporated companies, existing under the laws of the United States or any state thereof, provided that such corporation shall not have defaulted in payment of interest or principal on any of its bonds, notes, debentures, or other evidence of indebtedness during the ten years immediately preceding the date of investment; *and provided further* that no part of the property of such corporation shall be subject to any lien or other obligation (except current taxes and equipment trust certificates) entitled to priority of payment over said bonds, notes, debentures, or evidences of indebtedness; and that the instrument under which same shall have been issued shall provide that, except in the case of purchase money mortgages and purchase money liens, if the company shall at any time mortgage, pledge, or otherwise subject to any lien the whole or any part of any property or assets owned by it, or thereafter acquired by it, it will secure the outstanding notes, bonds, or debentures ratably with the indebtedness or obligation secured by such mortgage, pledge or lien.

S. B. 182. An Act relating to nonresident nurseries and agents or dealers in trees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 249.060 of the Kentucky Revised Statutes is amended to read as follows:

(2) Every nonresident nursery and every agent, dealers or seller of trees, representing nonresident nurseries or dealers shall annually file credentials with the State Entomologist. These credentials shall include the names of nurseries, nurserymen or other persons represented. If these credentials are satisfactory to the State Entomologist, the director and the commissioner, the State Entomologist shall issue the license.

S. B. 39. An Act relating to the mining of clay.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. (1) As used in this Act, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Commercial mine" means any clay mine from which the product is mined for sale or exchange.

(c) "Department" means the Department of Mines and Minerals.

(d) "Drift" means an opening through the strata, with opening grades such as to permit clay to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with mining operations.

(e) "Gaseous Mine" means a mine in which the percentage of explosive gas exceeds one per cent at the return of any one split of ventilation.

(f) "Mine" means a group or system of shafts, slopes, drifts or inclined planes connected by one general system of mine railroads over which clay may be delivered to one or more points outside the mine, and connected with excavations that penetrate clay strata and are ventilated by one general air current or division thereof.

(g) "Mine Foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

(h) "Operator" means an individual, firm or corporation operating a clay mine or any part thereof.

(i) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of clay, for the purpose of ventilation, drainage, for hoisting men, clay or materials.

(j) "Slope" means an inclined opening used for the same purpose as a shaft.

(k) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) The provision of this Act shall extend to commercial clay, but shall not apply to the mining of clay or other minerals which are mined from open pits or open mines.

2. This Act shall be administered and enforced by the Department of Mines and Minerals.

3. (1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to all applicants copies of forms or notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.

(2) The department shall hold one or more hearings on each matter brought before it. All interested persons shall be given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired. The department shall decide each matter in controversy in the manner that seems to it just and reasonable and necessary or desirable for the proper enforcement of section forty-nine of this Act.

4. (1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties as defendants, to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the workable clay or part thereof, is located, or in any other court of competent jurisdiction. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in

case the order under review is not set aside, and the court may, without security being given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity.

(3) Appeals may be taken to the Court of Appeals as in other cases.

5. (1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the clay fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the service of two or more mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to clay mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all clay mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employees concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in

the event of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather date for the development of any clay seams that would be of any benefit to the state or create new employment.

6. (1) The Board of Examiners for the certification of clay mine foremen shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals;

(b) Any two district mine inspectors, the selection of whom is optional with the chief, who may select them alternately or otherwise;

(c) One miner with a minimum of seven years' practical experience in the mining of clay, four years, at least, of which experience have been in the mines of this state, and who is actually employed in mining clay at the time of the appointment; and

(d) One operator who at the time of his appointment is actually engaged in operating a clay mine.

(2) Each member of the board except the chief shall be recommended by the chief and appointed by the Governor for a term of four years.

(3) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any other member to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who have been granted certificates and of those who have failed to pass the examination.

7. (1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has paid to the Department of Finance an examination fee of $2.50 and presented a receipt therefor to the board.

(2) The board may refuse to examine any applicant who

cannot readily understand the written English language or cannot express himself intelligently in English.

8. (1) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, mine foreman or fire boss, has passed the examination given by the board for that position and meets the requirements of subsection (4) of this section.

(2) The certificate shall be in such form as the chief of the department prescribes, shall be signed by the members of the Board of Examiners, and shall show that the holder has passed the required examination and possesses the qualifications required by law for a mine foreman and is authorized to act as such in a clay mine.

(3) Certificates issued to mine foremen for clay mines shall authorize the holders to act as foremen for all classes of clay mines.

(4) No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence in the form of affidavits made by well known and responsible persons in the locality from which he came, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in clay mines, or to any person who is not either a bona fide resident of this state or employed at a mine in this state.

(5) Persons serving as mine foremen for clay mines at the time of the passage of this Act shall be allowed a period of six months from the effective date of the act within which to take an examination and become certified, so as to qualify under the clay mine act.

9. If any mine foreman of a clay mine misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the mine foreman with a duplicate certificate. Any such person applying for a duplicate certificate shall pay a fee of two dollars to the Department of Finance.

10. Each district mine inspector shall give his entire time and attention to the duties of his office, which shall consist of the following:

(1) Inspecting clay mines and siding under the direction of the chief of the department in carrying out and enforcing the provisions of the laws relating to the inspection of clay mines;

(2) Training officials and workmen in and about the mines in first aid and mine rescue methods;

(3) Advising officials and workmen in methods pertaining to safety in all its phases and in methods pertaining to the prevention of mine fires and explosions;

(4) Taking charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district, and the chief is not present, and assisting in such work in other districts when so directed by the chief;

(5) Reopening mines of portions of mines that have been sealed on account of fire or any other cause, when so called upon by the owner or operator and directed by the chief to do so; and

(6) Visiting each mine in his district at least once every three months, or oftener if practicable, and wherever any danger to the workmen may exist, making a personal examination of the interior of each mine with respect to ventilation, drainage, timbering, blasting, electricity and general security, and also a personal examination of the outside of the mine.

11. (1) The chief of the department shall annually make a report to the Governor of his activities during the preceding calendar year. The annual report shall be prepared and printed as soon as possible within the four months after the close of the calendar year. The annual report shall cover the complete operation of the clay mines in this state during the preceding calendar year, enumerating all accidents occurring in or about such mine during that year, and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(2) The chief shall, when ordered by any circuit judge,

furnish to any person a certified copy of the report of the inspection of any mine inspected by him or by a district mine inspector.

12. The owner, lessee, or superintendent of each commercial clay mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of clay mined and any other information not of a private nature that the chief requests.

13. (1) The inspector of mine weights shall inspect and test all scales, except railroad scales, used in connection with any commercial clay mine in this state, and shall determine their mechanical condition and accuracy. Each clay operator or superintendent shall render such assistance to the inspector of mine weights as may be necessary in conveying and handling the weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation of the building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of $7.50 to the department for each mine scale inspection.

14. As used in Sections 14 to 49 of this Act, unless the context requires otherwise:

(a) "Approved safety lamp" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines and is approved by the Department of Mines and Minerals of this state.

(b) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, tunnels, ways and openings, whether completed or in the course of being sunk or

driven, and all roads, appliances, machinery and material connected therewith below the surface.

(c) "Tipple or dumping point" means the tipple or structure where clay is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance.

15. (1) The ventilation of all clay mines at which five or more men are employed shall be produced by means of mechanically operated fans located outside the mine. Mines at which less than five men are employed shall be ventilated by means approved by the Department of Mines and Minerals. If inside fans are required to ventilate working places on longwall or modern systems of mining the chief of the Department of Mines and Minerals must first approve the installation.

(2) The operator, superintendent or foreman of every clay mine worked by shaft, slope or drift shall provide and maintain for every mine adequate ventilation affording at least 100 cubic feet of air per minute for each person employed in the mine and at least 200 cubic feet of air per minute for each animal working in the mine, unless the mine liberates explosive gas, in which case he shall provide at least 150 cubic feet of air per minute for each person and 300 cubic feet of air per minute for each animal, and as much more air as the district inspector deems necessary. The air shall be circulated around the main headings, cross headings, room headings and working places to such an extent as to dilute, render harmless and carry off any noxious or dangerous gases.

(3) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs, or the method of ventilating such longwall or modern systems of mining. If any break-throughs between intake and return airways are not required for the passage of air, they shall be closed with stoppings. All stoppings shall be substantially built with suitable material subject to the approval of the district mine inspector so as to

keep the working places well ventilated. Doors on main haulways shall be avoided in gaseous mines where practicable, and overcasts, built of concrete or other suitable material and of ample strength, shall be adopted. Where doors are used they shall be built in a substantial manner, and shall be hung so as to close automatically when unobstructed.

16. (1) As many as sixty persons may work in the same air current or split, and with the approval of the district mine inspector and the chief of the department, as many as eighty persons may work in the same air current or split.

(2) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this Act, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of an official designated by the mine foreman.

(3) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

17. If the district mine inspector discovers any working place being driven in advance of the air current to the requirements of this chapter, he shall notify the mine foreman to cease work in the place at once and not resume such work until the law is complied with.

18. (1) No alcohol, petroleum product nor any compound that in the opinion of the district mine inspector, will contaminate the air to such an extent as to be injurious to the health of the miners shall be used as motive power in any mine.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the chief of the department.

(3) No operator, superintendent or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the chief of the department.

19. The operator or superintendent of every mine shall install a uniform system of checking the employees in and out of the mine, so that each employee, entering the mine, shall be given a check by which he may be identified, and the check shall be placed in its proper place on the check board by the employee when leaving the mine.

20. (1) All unused workings and abandoned parts of mines must be protected by such safeguards as will prevent, so far as practicable, the accumulation or overflow of gas, and all avenues leading thereto shall be so arranged and conducted as to give warning to all persons of the danger of entering, and notice shall be posted warning all unauthorized persons not to enter such parts of the mine.

(2) No person, except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine after such warning has been posted.

21. No person shall attempt to enter, explore or survey an abandoned mine or portion thereof without the approval of the district mine inspector or the chief of the department.

22. (1) No operator, superintendent, or mine foreman of any clay mine shall permit persons to work therein unless there are to every seam of clay worked in the mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth if the mine is worked by shaft or slope, and separated by natural strata of not less than fifty feet in breadth if the mine is worked by drift, by which outlets distinct means of ingress and egress are readily available to persons employed in the mine, but it shall not be necessary for the two outlets to belong to the same mine. This subsection does not apply to the openings of a new entry that is being worked for the purpose of making connection between the two outlets so long as not more than four persons are employed at one time in making the connection or driving the second opening, or to any mine in which the second opening has been rendered available by reason of final robbing

or removal of pillars so long as not more than twenty persons are employed therein at one time.

(2) If any clay mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

23. (1) In every shaft used as an escape outlet there shall be provided a stairway or ladderway of suitable strength, design and angle, with platforms or landings at each turn, the stairway or ladderway to be approved by the district mine inspector and the chief of the department, or in lieu thereof a properly equipped hoisting arrangement, consisting of a cage suitable for hoisting men, a wire hoisting rope of ample strength and an adequate and safe hoisting engine and drum, which hoisting arrangement shall be ready for use at any time of emergency.

(2) When the escape and fan shafts are combined, the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good substantial air-tight partition from top to bottom, so that the use of the escape shaft shall not interfere with the ventilation of the mine.

(3) All shafts by which men enter or leave the mine and all passageways to escape outlets shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine is operating, and the date and findings of the examination shall be entered in a book kept at the mine for that purpose.

(4) No debris, water, timbers or mine cars that would obstruct the free passage of men shall be allowed to accumulate in the passageway to the escape outlet, and if any such obstructions accumulate or exist they shall be promptly removed.

(5) At points where the passageway to the escape outlet is intersected by roadways or entries calculated to produce doubt as to the proper direction to the outlet, conspicu-

ous signboards shall be placed indicating the direction to the escape outlet.

24. (1) At every mine operated by shaft, there shall be an approved safety catch, and on all cages used for lowering and hoisting persons there shall be a sufficient and substantial overhead cover. At the top of each shaft a safety gate shall be provided. An adequate brake, so adjusted that it may be operated by the engineer without leaving his post at the levers, shall be attached to every drum or equivalent machine used for lowering or raising persons at any shaft or slope, and in connection with the hoisting engine an efficient indicator or dial, which will show the engineer the positions of the cages in the shaft at any time, shall be used. Approved means for signaling to the bottom man, the top man and the engineer shall be provided, and all shafts used for lowering or hoisting men shall be equipped with metal tubes or pipes or with telephones, through which conversations may be freely held between persons at the botton and top landings.

(2) No cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute.

(3) The hoisting rope, the safety catches and the cage attachments shall be examined by the mine foreman or by some competent person designated by him, every morning before the men descend into the mine, and care shall be taken to keep them in good working condition at all times.

(4) No person shall ride on any cage when clay, slate or similar material is being raised.

(5) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the days' run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(6) At every underground landing where persons enter or leave the cage and where persons must pass from one side of the shaft to the other there shall be a passageway not less than three feet wide and of suitable height, kept free from obstruction and as dry as possible, around the shaft; and all

employees when passing from one side of the shaft to the other side shall use the passageway only.

(7) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

25. (1) No operator or superintendent or any clay mine worked by shaft, slope or incline shall place in charge of any engine or drum used for lowering or hoisting any persons employed in the mine any but competent and sober engineers or drum runners.

(2) No engineer in charge of such machinery shall allow any person except such as may be designated for this purpose by the operator or superintendent to interfere with any part of the machinery.

(3) No person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties.

(4) In a mine worked by shaft, slope or incline, no more than ten persons shall ride in any cage or car at one time, without the approval of the district mine inspector and the chief of the department, and no person shall ride on a loaded cage or car, except that where special man cars or cages are employed to haul workmen on inclines the chief may regulate the method and procedure of handling of man cars, cages and workmen.

26. (1) On single-track haulage roads in mines, which the persons employed in the mine must use while performing their work or while traveling on foot to and from their work, there shall be places or refuge on one side not less than three feet in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart, where haulage is done by machines, and not less than thirty inches in depth from the side of the mine car, and four feet wide, and not more than sixty feet apart where haulage is done by draft animals.

(2) Special places of refuge are not required on haulage roads on which room necks or break-throughs occur at regular intervals not exceeding sixty feet, and thus furnish places of refuge, or on haulage roads in which the track is so laid as to give a minimum clearance on one side of not less than thirty inches from the side of any haulage engine or any mine car, the clearance to be on the side of the road opposite that upon which electric wires are strung, if electric wires are strung in the road.

(3) No person shall travel on foot to or from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(4) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals, and a conspicuous light on the front and a light or marker on the rear of every trip or train or cars when in motion in the mine.

27. (1) For every fifty men and fraction thereof employed underground, the operator of each mine shall keep on hand at the mine one properly constructed stretcher, one waterproof woolen blanket, and all other necessary equipment advised by the department.

(2) Each operator shall see that all employees receive the necessary first-aid training for the safety of themselves and fellow workmen as recommended by the department and each employee shall accept the necessary training.

29. (1) Except as provided in subsection (2), every miner shall thoroughly examine the roof and general conditions of his working place before commencing work there, and if he finds loose rock or slate or other dangerous conditions that he can remedy he shall take down the loose rock or slate or securely prop it, and otherwise make his place safe before doing any other work there, and during the progress of his work each miner shall carefully watch his working place, and if dangerous conditions develop shall either make it safe or abandon the place until it is made safe.

(2) Where the operator elects to do the timbering the miner shall forsake his working place until the place has been made safe.

30. No person shall knowingly injure any shaft lamp, instrument, air course or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of the mine against caution, disobey any order given in carrying out any of the provisions of this Act, do any act endangering the security of the mine or enter or be about any mine while intoxicated or under the influence of alcohol.

31. (1) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one-half feet above the top of the rail suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(2) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal or clay.

(3) When machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in subsection (1).

(4) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks or room, when so ordered by the department, but wires, when protected as provided for in subsection (1), may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine, and all important sections in the mine.

(5) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

32. (1) No employee shall take into any mine any larger quantity of powder or other explosive than he may

reasonably expect to use in any one shift, and all explosives shall be carried into the mine in an approved insulated or nonconductive receptacle or a capacity not to exceed one shift's supply and properly closed with an approved top. All detonators or electric squibs shall be carried into the mine in an approved nonconductive receptacle with approved top and of a capacity not to exceed one shift's supply. Each miner shall see that all explosives are separated from detonators, squibs or fuses by at least twelve feet in all working places.

(2) No shots shall be fired in any place known to liberate explosive gas until the place has been properly examined by a competent person designated for that purpose, and no shots shall be fired in any one place where gas is detected until the gas has been removed by means of ventilation. After firing any shot no workman shall return to the working place until the smoke has cleared away, and before starting to work he shall make a careful examination as to the condition of the roof, and do what is necessary to make the place safe before beginning to load clay or refuse.

(3) No more than one kind of explosive shall be used in the same drill hole, except in strip mining operations. Every blasting hole shall be tamped full from the explosive to the mouth and no inflammable material shall be used for tamping. Where dynamite or keg powder is used the method and procedure shall be approved by the district mine inspector and the chief of the department. No fuses shorter than the depth of the drill hole shall be used.

(4) No explosives or detonators shall be hauled on any trip operated by electric haulage motors unless they are enclosed in nonconducting boxes, containers or cars approved by the district mine inspector and the chief of the department.

(5) Trips hauling explosives shall not carry workmen other than those operating the trip, and explosives shall not be hauled into or out of the mine within five minutes preceding or following any trips in which men are handled. When traveling with the air current, the explosive trip shall precede the man trip; when traveling against the air current, the man trip shall precede.

(6) If a safer method of transporting and handling explosives or detonators is made available after proper and sufficient tests and experiments, the chief may approve the method, and that method may be used in lieu of the methods provided in this section.

33. Buildings used for the storage of oils or similar inflammable material shall not be located within one hundred feet of any hoisting or escape shaft or mine opening. Oil and grease used in mines shall be taken into the mine from day to day with one day's supply being the maximum.

34. (1) Where six or more persons are employed in a commercial clay mine in a period of twenty-four hours, the operator shall employ a certified mine foreman therein to properly carry out the plans and rules when approved by the chief of the department and to see that the mining law is complied with. If explosive gas can be detected with a flame safety lamp, the operator shall employ a mine foreman of the first class. If explosive gas is not present, the operator may employ a mine foreman of the second class.

(2) When the mine workings become so extensive that the mine foreman is unable to personally carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons having had at least three years' experience in clay mines to act as assistants to the mine foreman, and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

35. The mine foreman shall exercise general supervision over the ventilating apparatus and the airways, traveling ways, working places, pumps and drainage, and shall see that as the miners advance their excavations proper breakthroughs are made as required by law to properly ventilate the mine. He shall see that employees are provided with sufficient props, cap pieces, and timbers of suitable size, which shall be delivered to the working place when requisitioned by the employees, and shall see that the props are cut as square as practicable at both ends and as near as practicable to the proper length required or designated for the places where they are to be used. The mine foreman shall see that the

water is drained as nearly as practicable out of the working places, and that the working places are kept as free from water as practicable during working hours. The owner, lessee, or operator of each mine shall see that the water drained from the mine is drained as directly as practicable to the adjacent streams or water-courses. He shall see that every person employed to work in the mine is, before beginning to work, instructed in the particular danger incident to his work in the mine and furnished a copy of the rules of the mine. He shall immediately report all violations of mining laws to the operator or superintendent, who shall report the violations to the district mine inspector.

36. The mine foreman shall visit and carefully examine each working place in the mine each day or oftener while the mine employees are at work, and shall direct the miners so that each working place shall be secured by props or timbers where necessary. He shall examine as live workings, on regular inspections, all places in live sections that are temporarily abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave the place until it is made safe, or until the employees working therein are removed until the place is made safe. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed. He shall direct and see that all dangerous places and the entrances to worked-out and abandoned places in all mines are properly fenced off across the openings so that no person can enter, and that danger signals are posted upon the fencing to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall, at least once every week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found. The record shall be made with ink or indelible pencil in the record book provided for that purpose.

37. (1) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(2) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the conditions of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine, and whether or not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

38. (1) The mine foreman shall see that break-throughs are made as required by law, and shall see that ventilation is conducted by means of the break-throughs through the rooms by means of check doors or curtains placed on the entries or other suitable places, and shall not permit any room to be opened in advance of the ventilating current.

(2) At least once a month the mine foreman, with an anemometer furnished by the operator, shall measure the air current at the inlet and outlet and at or near the faces of advanced headings, and shall keep a record of such measurements in a book furnished and having a form prescribed by the chief of the department.

(3) The mine foreman shall see that signboards directing the way to outlets or escape ways are conspicuously placed throughout the mine.

39. The operator, superintendent or mine foreman shall have boreholes kept not less than twelve feed in advance of the face, and, where necessary, on the sides, if the working places that are being driven are in dangerous proximity to an abandoned mine, or part thereof, that is suspected of containing noxious gases, or is filled with water. If there is a map of the abandoned mine or part thereof, the boreholes shall be

started when the working places have approached within fifty feet of the abandoned mine or part thereof, but if there is no such map the boreholes shall be started when the advanced working places are within one hundred feet of where the abandoned workings are supposed to be.

40. In case of the death or resignation of a mine foreman, the superintendent shall select a competent certified man, if one is available, and if not, he may temporarily select any other competent man, who, if approved by the district mine inspector and the chief of the department, may serve until the next examination. He shall, while acting as mine foreman, have the same duties and be liable to the same penalties.

41. The Board of Examiners may revoke the certificate of a mine foreman if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, wilful failure to comply with the instructions of the district mine inspector to obey the mining laws, or for other just cause. The certificate holder against whom charges are made may appear before the board and defend against the charges, and shall have five days' notice in writing of the charges previous to the hearing.

42. (1) The operator of any mine may adopt special rules consistent with this Act, for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the chief of the department. The rules, when adopted and approved in writing by the chief, shall be printed on cardboard in the language spoken by seventy-five per cent or more of the employees at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employees at the mine. When the rules are so adopted, approved and posted, all employees at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(2) The mine rules shall be printed in a form prescribed by the chief of the department.

(3) Each mine operator, when requested by an employee, shall furnish him a copy of the mine rules.

43. (1) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine a sufficient quantity of all materials and supplies required to preserve the safety of employees, as ordered by the mine foreman and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman who shall withdraw the men from the mine until the materials or supplies are received.

(2) The superintendent shall, at least once each week, read and examine carefully and countersign all reports entered in the mine record book of the mine foreman.

(3) The operator or superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties under this Act, and shall direct that the mine foreman and all other employees under him comply with the law, especially when his attention is called by the district mine inspector or by the chief of the department to any violations of the laws.

(4) The superintendent shall keep on hand at the mine a supply of rules, notices and record books required by this chapter. The record books shall be furnished through the district mine inspector or through the chief of the department, on written request of the operator or superintendent. The superintendent shall see that rules, notices and record books are delivered to the proper persons at the mine and properly cared for, and that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept legible.

44. (1) The operator or superintendent of every clay mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(2) If any inspector discovers that any mine does not conform to the provisions of this Act in respect to appliances for the safety of employees, or that by reason of any defect or practice in or about the mine the lives or health of persons

employed therein are endangered, he shall immediately notify the operator or superintendent thereof, orally and in writing, stating the particulars in which he considers the mine to be defective or dangerous, and if he deems it necessary for the protection of the lives and health of the persons employed in the mine, he shall, after giving written notice to the operator or superintendent, immediately notify the chief of the department. The chief shall forthwith summon the operator, superintendent and the district mine inspector to discuss at the mine the unsafe practices, defects or unhealthful conditions in the mine, and, if the chief determines that for the safety of the employees the mine should be closed, he shall forthwith order the mine to be closed until it is placed in a safe and proper condition for mining operations.

(3) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted.

(4) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's Attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

45. If seventy-five per cent of the employees of any mine are dissatisfied with the inspection of the mine made by a district mine inspector, they may appeal in writing to the Department of Mines and Minerals, setting forth clearly and in detail the reasons for their dissatisfaction. The chief of the department shall carefully consider the appeal and promptly take action by ordering another inspection to be made by the district mine inspector, either alone or in company with another district mine inspector detailed by the chief for the purpose, if that course appears to him to be warranted by the facts set forth in the appeal, or the chief may

take such other action as appears to him to be just and proper. The appeal shall be signed by the dissatisfied persons.

46. (1) The operator or superintendent of each clay mine shall annually not later than January 6, make or cause to be made an accurate map of the workings of the mine, on a scale of one hundred, two hundred, three hundred, or four hundred feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the lines of all adjoining lands within one thousand feet of the excavations, and the name of each owner so far as known, marked on each tract. The operator or superintendent shall deposit a true copy of the map with the chief of the department within forty-five days after January 1, and another copy of the map shall be kept at the office of the mine.

(2) After making and filing the map with the chief, the operator or superintendent thereafter is only required to file annually with the chief, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations and the property lines within one thousand feet of the excavations extended since the date of the preceding map. The chief shall annually, before January 1, give notice that the map is required.

(3) The chief may, if he deems it advisable, require any operator or superintendent to furnish a map other than those required in subsections (1) and (2), and the operator or superintendent shall immediately comply with the requirement.

47. If the operator or superintendent of any clay mine fails to furnish to the chief of the department any map required by #46 of this Act, the chief may cause a correct survey and map of the mine or extensions thereof to be made at the expense of the owner, lessee or operator of the mine, and the cost of the map shall be recoverable by law. If at any time the chief has reason to believe that any map furnished under #46 of this Act is incorrect, so that it will not serve the purpose for which it was intended, he may have a survey and map made or corrected, and the expense of making the survey, map or correction shall be paid by the owner, lessee or oper-

ator of the mine, or recovered in the same manner as debts are recoverable by law; but if the map furnished by the operator or superintendent is found to be correct, the expense of the survey and drafting of the map shall be paid by the state.

48. (1) The correctness of each map provided for by #46 or 47 of this Act shall be certified by the person making the map as follows:

"I the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all the information required by the mining laws of this state, and covers the period ending ....., Engineer.

"acknowledged before me, a....., this .....

day of ....."

.....

.....

(2) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

49. (1) Before removing any clay or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any clay mine beneath any tract of land which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the clay operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The clay operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the

receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the clay operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearing the clay operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department, after a full hearing, shall make a decision defining what clay, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in #4 of this Act. The department shall keep a complete record of all such hearings.

(2) The clay operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

50. Sections 352.560 through 352.610, and subsection (20) of section 352.990, of the Kentucky Revised Statutes of 1942, are repealed.

51. (1) Any clay operator who violates any of the provisions of section twelve of this Act shall be fined not less than twenty-five nor more than two hundred dollars.

(2) Any person who violates any of the provisions of subsection (1) of section thirteen of this Act shall be fined not less than twenty-five nor more than two hundred dollars.

S. B. 34. An Act to provide for the payment of death, inheritance and other taxes levied or assessed by the United States Revenue Acts and by the laws of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever it appears in any appropriate action or proceeding that an executor, administrator, trustee or other person acting in a fiduciary capacity has paid a death

tax levied or assessed under the provisions of the United States Revenue Act of 1926, as amended, or under any death tax law of the United States hereafter enacted, or any inheritance or other tax to take effect upon the death of any person pursuant to any law of this State, or any law that may hereafter be enacted, upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law or laws, the amount of the tax so paid, except in a case where a testator otherwise directs in his will, shall be equitably prorated among the persons interested in the estate to whom such property may be or has been transferred, or to whom any benefit accrues. Such proration shall be made by the County Court or other Court in which an action may be pending to settle said estate, in the proportion, as near as may be, that the value of the property, interest or benefit of each person bears to the total value of the property, interests and benefits received by all such persons interested in the estate, except that in making such proration allowances shall be made for any exemptions granted by the Act imposing the tax and for any deductions allowed by such Act for the purpose of arriving at the value of the net estate; and except that in cases where a trust is created, or other provision made whereby any person is given an interest in income, or an estate for years, or for life, or other temporary interest in any property or fund, the tax on both such temporary interest and on the remainder thereafter shall be charged against and be paid out of the corpus of such property or fund without apportionment between remainders and temporary estates.

§ 2. So far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid by the executor as such out of the estate before its distribution. In all cases in which any property required to be included in the gross estate does not come into the possession of the executor as such, he shall be entitled, and it shall be his duty, to recover from whomever is in possession, or from the persons interested in the estate, the proportionate amount of such tax payable by the persons interested in the estate with

which such persons interested in the estate are chargeable under the provisions of this Act, and the Court may by order direct the payment of such amount of tax by such persons to the executor.

No executor, administrator or other person acting in a fiduciary capacity shall be required to transfer, pay over or distribute any fund or property with respect to which a federal or state estate tax is imposed until the amount of such tax or taxes due from the devisee, legatee, distributee, giftee, or other person to whom such property is, or has been, transferred is paid or, if the apportionment of tax has not been determined, adequate security is furnished by the transferee for such payment.

§ 3. The Court upon making a determination as provided in this Act shall make a decree or order directing the executor or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorated in so far as he is in possession of property or interests of such persons against whom such charge may be made, and summarily directing all persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor or other fiduciary.

§ 4. Any judgment of a County Court under and pursuant to this Act may be appealed by any interested party to the Circuit Court of the County in which said judgment is rendered within thirty days from rendition thereof, and any judgment of the Circuit Court may be appealed to the Court of Appeals of Kentucky within sixty (60) days from rendition thereof. Both the Circuit Court and Court of Appeals shall advance said case for trial when proper showing is made.

S. B. 141. An Act relating to civil service for non-instructional employees of boards of education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. *Definitions.*

1. The term "non-instructional employees" includes all accountants, secretaries, clerical employees, janitors, engineers, custodians, nurses, and other employees not engaged in teaching and/or research professions.

2. The term "classified service" signifies the competitive classified civil service of the Independent School Districts under this Act.

3. The term "Commission" signifies a Civil Service Commission created by this Act.

4. "Civil Service Commissioner" shall be a member of the Commission defined in the preceding paragraph.

5. The term "appointing authority" signifies the Board of Education in a city of the Second Class.

6. The term "employee" signifies any person holding a position subject to appointment, removal, promotion by the appointing authority.

7. A "full-time employee" shall be defined as an individual who is employed a minimum of ten months in a calendar year.

Section II. *Manner of Establishing a Civil Service System.*

That the Board of Education of Independent School Districts embracing a city of the Second Class in the Commonwealth of Kentucky is hereby authorized and empowered to establish a system of Civil Service applicable to and controlling the classification, employment and discharge of non-instructional employees all in the manner herein provided. When a majority of the regular and/or full-time non-instructional employees of the Board of Education in any Independent School District embracing a city of the Second Class shall file with such Board a petition requesting the establishment of a Civil Service System for such employees said Board may at its next regular meeting by resolution spread upon its minutes, recite the filing of such petition and declare the Board's purpose thereby to establish and thereafter administer and operate such System of Civil Service by the Commission hereby created under the powers herein con-

ferred and in the manner authorized and pursuant to provisions of this Act. Thereupon the Board of Education shall appoint and constitute the Civil Service Commission in the manner and consisting of the persons in the next succeeding section of this Act provided.

Section III. *Provision for the Administration of the Civil Service System.*

Upon the adoption by the Board of Education of any Independent School District embracing a city of the Second Class of the resolution in the preceding section provided, and the appointment of the Civil Service Commission therein provided for, there shall thereby be created in such school district a Civil Service Commission consisting of the Chairman of the Board of Education, the Superintendent of Schools, the Attorney for the Board of Education, and two other elected and qualified members of the Board to be named by the Chairman. All of said appointments shall be for a period of two years. Any vacancies occurring in the membership of said Commission shall be immediately filled for the unexpired terms by the Chairman of the Board of Education. Said members of Commission, except the Attorney, shall serve without compensation. The Board of Education shall compensate the Attorney with a sum of not less than three hundred ($300) dollars per annum nor more than six hundred ($600) dollars per annum. The Chairman of the Board of Education shall be Chairman of the Commission and the Superintendent of Schools shall be Secretary and Chief Examiner.

The Commission shall meet regularly each calendar month at such hour and at a place convenient and suitable to be designated and provided and equipped by the Board of Education. Special meetings may be called by the Chairman or by any three members by delivering reasonable written notice to each member. A quorum of said Commission shall consist of not less than three members for the transaction of such business as may come before it.

Section IV. *Secretary, Chief Examiner and Assistants; Selection of Employees from Lists; Annual Budget to Cover Salaries and Expenses.*

Each Board of Education Civil Service Commission may employ such examiners and clerical and other assistants as the Secretary-Chief Examiner may in the judgment of the Board of Education require, and shall determine by order of record, the terms of office, duties, services to be performed and the compensation of all persons so employed.

All accountants, secretaries, nurses and other clerical employees of the Board of Education shall be selected and appointed by the Board of Education from lists furnished said Board by the Civil Service Commission.

All custodians, janitors, engineers, and other non-instructional employees of the Board of Education shall be selected and appointed by the Board of Education from lists previously submitted to the Board for that purpose by the Commission. These lists shall include only those names appearing upon the eligibility lists as provided for in this Act.

The Board of Education of said City upon recommendation of the Civil Service Commission, shall make an annual appropriation sufficient to cover all salaries and necessary expenses of said Commission and its employees.

Section V. *What Rules shall Provide, Tests, Eligibility Lists, Period of Probation, Reinstatement, Promotion.*—Such rules and regulations shall, among other things, provide:

(1) For standardization and qualifications for all positions. All salaries shall be uniform for like grade and years of service. Grades of service shall be standardized and classified by the Board of Education.

(2) For keeping minutes of its own proceedings and records of its examinations and other official actions. The Commission shall prepare, continue and keep in its office, a complete roster of all persons in the classified service.

(3) For open and competitive tests, ascertaining the relative fitness of all applicants for appointment to classified positions. All tests shall be practical and related only to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. Notice of such tests shall be given not less than ten days in advance by public advertisement in at least one newspaper of general circulation in the city and by posting a notice on the door of the Board of Education Office.

(4) That the Commission shall require persons applying for admission to any examination, provided for by this Act or by the rules of the Commission prescribed thereunder, to file with the Commission within a reasonable time prior to the proposed examination a formal application in which the applicant shall state under oath or affirmation:

(a) Full name, residence and post office address.

(b) Nationality, age, and place and date of birth.

(c) Health and physical capacity for the public service sought.

(d) Business and employments and residences for five previous years.

(e) Such other information as may be reasonably required touching the applicant's merit and fitness for the public service sought; but no inquiry shall be made as to any religious or political opinions or affiliations of the Applicant.

(5) That no fee or other assessment shall be charged for examination for positions. Blank forms for applications shall be furnished by the Commission without charge to any persons requesting the same. The Commission may require references as the good of the service may demand. The Commission may refuse to examine an applicant, or after an examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or who is physically so disabled as to be rendered unfit for the performance of the duties of the position which he seeks, or who is addicted to the habitual use of intoxicating liquors or drugs to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from any branch of the civil service for delinquency or misconduct, or who has made false statements of any material fact, or practiced or attempted to practice, any deception or fraud in his application or in his examination, in establishing his eligibility or securing his appontment.

(6) That from the returns of the examinations the Commission shall prepare an eligible list of the persons whose general average standing upon examinations for such grade or class is not less than the minimum fixed by the rules of the Commission and who are otherwise eligible; and such persons shall take rank upon the eligible list as candidates

in the order of their relative excellence as determined by the examination without reference to priority of time of examination. In the event of two or more applicants receiving the same mark in an examination, priority in the time of the application shall determine the order in which their names shall be placed on the eligible list. The term of eligibility of each list shall be fixed by the Commission at not less than one year nor more than two years. When an eligible list is reduced to three names or less a new list shall be prepared.

(7) That any soldier, sailor, marine, member of the army nurse corps who has served in the army, navy or hospital service of the United States in the war with the central powers of Europe between the dates of April 6, 1917 and November 11, 1918, or in World War II, who has been honorably discharged therefrom and is a resident of Kentucky, upon filing with the Commission a certificate of service and honorable discharge, shall receive additional grade of twenty per cent to the grade he otherwise rates.

(8) For the creation of the above eligibility lists, upon which shall be entered the names of successful candidates in the order of their standing in examinations for the filling of positions by the Board of Education from the three candidates graded highest on such eligibility list, which list shall remain in force not longer than two years. In the absence of an appropriate eligibility list, any place may be filled temporarily by the Board of Education without examination for a period not to exceed six months, during which time the Civil Service Commission shall hold the necessary examinations for the filling of the place permanently.

(9) That no person shall be appointed or employed under any title not appropriate to the duties to be discharged, and no person shall be transferred or assigned to perform any duties of any position subject to competitive tests equivalent to that required for the position to be filled.

(10) That any person appointed from the eligibility list and laid off for lack of work shall be placed at the head of the eligibility list for reappointment for a period of eligibility as provided by the rules of the Board.

(11) For a period of probation not exceeding one year before an appointment is made permanent.

(12) For reinstatement on the eligibility list of persons who, without fault or delinquencies, are separated from the service.

(13) For promotion from lower grades to the higher, based upon records of efficiency and seniority to be furnished by the Superintendent of Schools.

Section VI. *Emergency Appointments; Promotion; Classified Service for Employees.*

(1) Emergency Appointments. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the Commission is unable to certify to the appointing authority, upon request of the latter, a list of persons eligible for appointment after a competitive examination, the appointing authority may make a provisional appointment to fill a vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible lists prepared by the Commission and such eligible lists shall be prepared within ninety days thereafter.

(2) Promotions: Vacancies in positions in the classified service shall be filled in so far as practicable by promotions. All examinations for promotions shall be competitive. In Promotional examinations efficiency and seniority in service shall form a part of the maximum mark attainable in such examination.

(3) Classified Service for Employees: Within six months after the Civil Service Commission has promulgated rules herein provided for, all employees then in the service of the Board of Education are to be classified by the Commission upon the basis of a recommendation from the chief examiner and if the service of any such employee has been satisfactory to the Board of Education over a period of one year his appointment shall become permanent.

Section VII. *Tenure of Classified Service Employees of the Board of Education.*

Under this Act tenure of employees of the Board of Education shall remain in force during good behavior and efficient and competent service, and shall not be terminated ex-

cept for any of the following causes: Insubordination, immoral character, conduct unbecoming the employee, inefficiency, incompetency, physical or mental disability, neglect of duty, dishonesty, drunkenness, violation of the provisions of this Act or the rules of the Commission.

No employee shall be dismissed or suspended unless furnished with a written statement, specifying in detail the charge or charges against said employee, signed by the Chairman of the Board of Education and naming a date and place at which the employee may appear before the Board of Education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the employee. The employee shall within ten days after the receipt of the written statement of such charges notify the Board of Education of his intention to appear and answer such charges, and upon failure of the employee to give such notice the Board of Education may dismiss the employee by a majority vote and such dismissal shall be final.

Upon receipt of the employee's notice of intention to appear and answer such charges, the Board of Education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the employee.

Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before the Chairman of the Board of Education. The Board of Education shall provide for a stenographic report of the proceedings and furnish the employee with a copy. Upon completion of both sides of the case, the Board of Education may by a majority vote dismiss the employee or may defer its action for not more than five days.

The Board of Education may on recommendation of the Superintendent suspend an employee pending similar action to terminate his employment if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the Board is against termination of employment,

the suspended employee shall be paid for his full salary for the period of such suspension.

The employee shall have the right to make an appeal both as to law and as to fact to the Circuit Court. If said appeal is not made within thirty days after the final action of the Board, then the decision of the Board of Education shall be final. Either the employee or the Board may appeal from the action of the Court to the Court of Appeals.

Section VIII. *Solicitations, Political Activity Forbidden.*

No person in the service described under this Act shall directly or indirectly give, solicit, or receive or be in any manner concerned in giving, soliciting, or receiving any assessment, subscription, or contribution for any political party or for any purposes whatever. No person connected with said service shall orally or by letter solicit or in any manner be concerned in the soliciting of any assessment, subscription or contribution for any political party or for any purpose from any person holding a position under this Act.

No person in any branch of this service shall act as an officer of any political organization or be a member thereof or take any active part in any political campaign or serve as a member of any committee of any political organization or circulate or seek signatures to any petition provided for any primary or general election or act as a worker in the poles in favor of or opposed to any candidate for election or nomination to any public office whether Federal, State, County, or Municipal.

Section IX. *Political or Religious Opinions Not to Affect Appointments.*

No question in any examination held under the provisions of this Act which relate to any political or religious opinions, affiliations, or service, and no appointment, transfer, promotion, increase or reduction in compensation, suspension, or removal shall be affected or influenced by such opinions or affiliations.

Section X. *Violation of Act. Penalty.*

Any person charged with the administration of this Act who shall violate any of the provisions thereof, shall be guilty

of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty ($50.00) dollars nor more than one thousand ($1,000) dollars.

Section XI. *Manual of Instructions.*

The Civil Service Commission created herein shall provide a Manual of Instructions consistent with the provisions of this Act for the use of persons who wish to acquire a knowledge of the rules and regulations of said Commission and the duties of the members of the employees group under this Act.

Section XII. *Accepting Money in Addition to Compensation Forbidden.*

No member of any Civil Service Commission, Officer, or Employee shall receive or accept any money or compensation not provided by law for any services or neglect of duty in addition to this salary or compensation provided for herein.

Section XIII. *Salaries of Employees; Notice of: Increase or Reduction.*

Each Board of Education shall cause notice to be given annually not later than July 1, to each employee under this Act for the succeeding school year stating the best estimate as to the salary to be paid each employee during such year. Such salary shall not be lower than the salary paid during the preceding year unless such reduction be a part of a uniform plan affecting the entire district. But nothing herein shall prevent increases of salary after the Board's annual notice has been given.

Section XIV. *Leaves of Absence.*

Upon written request of an employee a Board of Education may grant a leave of absence for a period of not more than two consecutive years where illness, maternity, or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the Board. Upon the return to service of an employee at the expiration of a leave of absence, he shall resume the status which he held prior to such leave.

Section XV. *Transfers and Reinstatements.*

With the consent of the Commission the Board of Education may transfer a person holding an office or position in

the classified service to a comparable position in another office, department or institution having the same pay and similar duties; but no transfer shall be made from office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by this Act or the rules adopted pursuant thereto, an examination involving essential tests or qualifications or carrying a salary different from or higher than those for original entrants to an office or position held by such person.

Section XVI. *Frauds in examination Prohibited.*

No person or officer shall wilfully or corruptly by himself or in cooperation with one or more persons defeat, deceive or obstruct any persons in respect to his or her right of examination, appointment or employment according to this Act, or to any rules or regulations prescribed pursuant thereto; or wilfully or corruptly, falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this act, or aid in so doing; or willfully or corruptly make any false representations concerning the same, or concerning the person examined; or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified; or personate any other person or permit or aid in any manner any person to personate him, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed; or who shall furnish any false information about himself, or any other person, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed.

Section XVII. *Payment for Places Prohibited.* No applicant for appointment or promotion in the classified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon

the consideration of any political service to be rendered, for or on account of his appointment or promotion or proposed appointment or promotion.

Section XVIII. *Who Shall Prosecute.* Prosecutions for the violation of the provisions of this Act or the rules and regulations of the Commission established in conformity thereto shall be instituted by the Commonwealth Attorney for the county in which the offense is alleged to have been committed; and prosecutions for violations of this Act and the rules and regulations of any Commission, by any employee of such Board shall be instituted by such Commission through the legal department of the Board of Education.

Section XIX. *Repeal of Inconsistent Laws.*

All laws or parts of laws in conflict with this Act, are, to the extent of such conflict, hereby repealed.

S. B. 162. An Act prohibiting the operation of a motor vehicle while under the influence of intoxicating liquors, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.520 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"(1) No person under the influence of intoxicating liquors or narcotic drugs shall operate a vehicle that is not a motor vehicle upon a highway.

"(2) No person shall operate a motor vehicle on a highway while under the influence of intoxicating liquors or narcotic drugs.

"(3) No peace officer or Highway Patrolman shall fail to enforce rigidly this section."

S. B. 174. An Act relating to the collection of taxes in cities of the second, third and fourth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 92.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) Taxes in cities of the second, third and fourth classes shall be due and payable as follows:

(a) Ad valorem taxes in cities of the second class, one-half on June 1 and one-half on October 1.

(b) All city taxes in cities of the third class, as soon as the tax bills come into the hands of the collector.

(c) All city taxes in cities of the fourth class, on July 1; but the city legislative body may provide, by ordinance enacted on or before July 1, that all ad valorem taxes shall be due and payable in two installments, one-half on July 1 next after the assessment date and one-half on December 1, in which case, if the first installment is not paid on or before August 1, both installments shall be deemed to have become due and payable on July 1.

(2) In cities of the second class, taxpayers owing ad valorem taxes shall pay them, without demand therefor, at the treasurer's office. The taxpayer may pay the whole tax at any time after the tax bills have been made out and delivered to him. The city legislative body may provide by ordinance that taxes paid during the month of April in the year in which they are due and payable may be reduced by a discount of three percent, and taxes paid during the month of May in that year may be reduced by a discount of two percent. Taxes not paid within one calendar month after due shall be deemed delinquent and shall have added to them a penalty of ten percent, and shall thereafter bear interest at the rate of one-half of one percent for each month or fraction of a month until paid, or until the property of the delinquent has been sold for tax. When taxes are paid the treasurer shall note on the stub of the bill the amounts paid and the date thereof, and shall deliver the receipted bill, countersigned by the auditor, to the taxpayer. When any person desires to pay taxes on any one item of real estate in a tax bill he shall be allowed to do so, if the city's interest will not be prejudiced thereby, and shall be given a receipt showing the date and the amount of the payment, the number of the tax bill, the name of the person against whom the tax

bill is made out and a sufficient description to identify the property on which the taxes are paid. A corresponding notation shall be made on the tax bill and the stub, and the city's lien shall thereupon stand released as to that property, but the tax bill shall not be surrendered until paid in full.

(3) The common council of each city of the third class may provide by ordinance such discounts for prompt payment and penalties for late payment of taxes as it deems proper. All taxes owed to such cities shall bear interest at six percent per annum from October 1 of each year. The common council shall not refund to any person any taxes lawfully collected, nor extend the time for the payment of taxes, nor release any penalty incurred by non-payment of taxes.

(4) The legislative body of each city of the fourth class may provide, by ordinance enacted on or before July 1, that:

(a) Any taxpayer may pay at any time, and the collector shall receive, any amount in even dollars as part payment or advance payment of taxes; a discount of six percent per annum, from the date of payment until the date when the taxes would have been due and payable, may be allowed on all taxes paid in advance.

(b) All taxes remaining unpaid on the first day of the month following that in which they became due and payable shall be deemed delinquent, and shall bear interest at the rate of six percent per annum from the due date until paid; a penalty of six percent on the taxes so delinquent shall be paid, except when all installments are paid in full on or before December 1.

(5) When any city of the fourth class gives effect by ordinance to the provisions of subsection (4) and paragraph (c) of subsection (1) of this section, all statutes inconsistent with such provisions shall not apply.

(6) When a city of the fourth class does not give effect by ordinance to the provisions of subsection (4) and paragraph (c) of subsection (1) of this section, all tax bills remaining in the hands of the collector or treasurer on November 1 in each year, unpaid, shall be endorsed by him "Delinquent," and returned to the city clerk, and such bills

found in the tax list returned by the clerk to be unpaid shall be credited to the collector or treasurer on his receipt. The city clerk shall thereupon proceed to attach to each tax bill the penalty prescribed by ordinance, not exceeding twenty-five percent, and such interest as is provided by ordinance, and shall then deliver the tax bills to the collector and take his receipt therefor.

S. B. 184. An Act relating to the number and compensation of deputies of circuit court clerks and county court clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 28.300 of the Kentucky Revised Statutes be repealed, amended and reenacted to read as follows:

Deputy Clerks in counties containing a population of 75,000 or more.

(1) In each County containing a population of 75,000 or more, the number of deputies allowed to Circuit Clerks and County Clerks, and the compensation allowed to each deputy, shall be fixed as provided in subsections (2), (3), (4) and (5) of this section, by an order entered upon the order book of the Circuit Court and County Court, and signed by a majority of the judges of said Courts. A certified copy of the order, and of any subsequent changes made therein, shall, as soon as entered, be forwarded to the Department of Finance.

(2) In Counties containing a population of 75,000 or more and up to 90,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salaries of the other deputy circuit clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

In counties containing a population of 90,000 or more and up to 200,000, the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,000 per annum, and the salaries of the other deputy circuit court clerks shall be fixed at a reasonable amount not exceeding $2,000 per annum.

In counties having a population of 200,000 or over the salary of the chief deputy circuit court clerk shall be fixed at a reasonable amount not exceeding $3,250 a year, and the salary of one deputy circuit court clerk who shall act as cashier shall be fixed at a reasonable amount not exceeding $2,750 a year, and the salaries of those deputy circuit court clerks who shall be assigned to perform duties as deputy clerks for a particular Division of the circuit court rather than general office duties, shall be fixed at a reasonable amount not exceeding $2,500 a year, and the salary of each of the other deputies in the office of the circuit court clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

(3) In Counties containing a population of 75,000 or more and up to 90,000, the salaries of the first four deputy county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $2,500 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(4) In counties containing a population of 90,000 or more and up to 200,000, the salaries of the first four county clerks shall be fixed at reasonable amounts, which need not be the same, and none of which shall exceed $3,000 per annum. The salaries of each of the other deputy county clerks in such counties shall be fixed at a reasonable amount not exceeding $2,000 per annum.

(5) In counties having a population of 200,000 or over the salaries of the first four deputy county clerks shall be fixed at a reasonable amount not exceeding $3,000 a year and the salary of each of the other deputies in the office of the county clerk shall be fixed at a reasonable amount not exceeding $2,000 a year.

S. B. 186. An Act authorizing certain persons to condemn land and rights of way for the purpose of securing a water supply.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The owner of real estate serving the public, providing sleeping accommodations and meals, when pure water is not available in adequate quantities shall have the right to condemn on the banks of any navigable stream a tract of land not more than twenty (20) feet square and above the high water mark for a pumping station site and a right-of-way for a pipe line from said site to the deep water of the navigable stream and from said pumping station site to the point on the owner's real estate where the water is desired for use. The said property owner may condemn a right-of-way for an electric power line over the most direct course to the pumping station site.

The provision of the Kentucky Statutes, Sections 381.660, 381.670, drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. B. 201. An Act relating to securities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (9) of § 292.030 of the Kentucky Revised Statutes is amended to read as follows:

(9) Transactions by registered dealers, executed upon customers' orders on any exchange or in the open or counter market, but not the solicitation of such orders, where there is no intent to avoid the provisions of this chapter and public offering is not involved. Such dealer shall keep and maintain, for two years from the date of the order, a record of all such transactions executed upon customers' orders, giving the name and address of each such customer, the name and identity of the securities involved, the date of such trans-

actions, the price paid for or received for such securities, and the commission or other expenses charged to such customer.

The resale by a dealer or a broker or the purchase by a dealer or broker for the account of anyone else while such dealer or broker is registered as such under this Act (and not then being under any order or rule of suspension or revocation by any State or Federal Regulatory Authority), of any security or any security issued in exchange for any such security under a bona fide plan of reorganization of a corporation by order of court having jurisdiction, acquired at a price or prices reasonably related to the current market price of such security at the time of such acquisition, provided such resale or purchase for the account of anyone else is at a price or prices reasonably related to the current market price of such security at the time of such resale or purchase, and provided further such security is part of an issue (a) issued by an entity domiciled in the United States, and which security is outstanding, and information as to the issue of such security is published in a recognized manual of securities or is furnished in writing to the Director in form and extent acceptable to the Director, such information to include a balance sheet as of a date not more than fifteen (15) months prior to the date of such resale or purchase and an income account for a period of not less than three (3) years next prior to date of such balance sheet or for the period of existence of the issuer if such period of existence be less than three (3) years, or (b) which has within three (3) years next preceding such resale or purchase for the account of anyone else been disposed of to the public, in whole or in part, in this State as exempt securities under KRS 292.020, or in compliance with the provisions and requirements of KRS 292.040 to 292.080 inclusive. Provided, however, the exemption in subdivision (9) shall not apply unless such resale or purchase for the amount of anyone else is made in good faith and not for the purpose of avoiding any of the provisions of this Act; nor shall such exemption apply (i) to the resale or purchase for the account of anyone else of any security while the right to sell, resell or purchase such security is enjoined by any court of competent jurisdiction, or to the resale or purchase of any se-

curity when the right to sell, resell or purchase such security has been suspended or cancelled by the Director under any of the provisions of this Act and such suspension or cancellation is in force and effect; or (ii) to any sale, resale or purchase for the account of anyone else of a security for the direct or indirect benefit of the issue of such security or for the direct or indirect promotion of any scheme which works or tends to work a fraud upon the purchaser.

Except as above provided, securities when disposed of by the persons and in the manner provided by this Section, shall not be subject to the provisions of this Act in such transactions.

§ 2. Subsection (9) of § 292.120 is amended to read as follows:

(9) The filing fee for registration or renewal thereof shall be one hundred dollars in the case of a dealer, and fifteen dollars in the case of a salesman, and such fee shall be paid to the Director at the time of filing application for registration or renewal.

§ 3. § 292.240 of the Kentucky Revised Statutes is amended to read as follows:

Except as to exempt securities as provided in KRS 292.020, securities the sale of which is an exempt transaction as provided in KRS 292.030, securities which have been registered by notification as provided in KRS 292.050 and KRS 292.060 or have been registered by qualification as provided in KRS 292.070 or registered for resale or trading purposes as provided in KRS 292.080, no person shall:

(1) Advertise in this state, through or by means of any prospectus, circular, price list, letter, order blank, newspaper, periodical or otherwise;

(2) Circulate or publish any newspaper, periodical or other written matter in which any advertisement specified in this section appears; or

(3) Circulate any prospectus, price list, order blanks or other matter for the purpose of inducing or securing any subscription to or sale of any security, not exempted under any of the provisions of this chapter, and not sold or to be sold in

one of the transactions exempted under the provisions of this chapter, until the requirements of this chapter have been fully complied with and such advertising matter has been filed with and approved by the Director.

S. B. 203. An Act relating to the salaries of deputy commissioners of Circuit Courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 27.080 of the Kentucky Revised Statutes (2nd. Edition) be repealed, amended and re-enacted to read as follows:

"(1) When necessary to aid the commissioner in the discharge of his duties the court may authorize him to appoint, with the approval of the court, deputies to assist him. If more than one deputy be necessary, the court shall determine how many deputies shall be appointed. The deputies shall take the same oath taken by the commissioner, may perform any of his duties and may be removed at his pleasure.

(2) In counties having a population of seventy-five thousand or over, the number of deputies allowed to each commissioner and receiver and the compensation allowed to each deputy shall be fixed by Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event said suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of the negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bills and resolutions be printed and referred.

And that they had passed bills and a resolution which originated in this House, entitled:

H. Res. 27. Resolution authorizing Iva Fannin to sue the Commonwealth.

H. B. 92. An Act relating to the issuance of revenue bonds for market places by cities of the third class.

H. B. 130. An Act relating to deadly weapons.

H. B. 257. An Act relating to divorces.

Ordered that said bills and resolution be delivered to the Enrolling Clerk of this House.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, MARCH 4, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	B. K. Brantley	G. I. Drury
Roy W. Arnold	John Y. Brown	Forest C. Easley
F. O. Baker	Mrs. Mary Burnett	Bernie S. Edlin
Harold L. Barnes	Chas. W. Burnley	Eck Embry
F. H. Bassett, Jr.	W. K. Coleman	A. H. Eversole
Ott Begley	Fred Creasey	Henry J. Giles
W. G. Biggers	S. J. Daugherty	Tom Gilliam
Jack Bingham	L. A. Demumbrun	Otto W. Goff
B. J. Bonn	E. R. Denny	R. M. Hall
J. C. Bradley	Adron Doran	C. L. Hammonds

Harold G. Helm	Harry L. Moore	E. A. Spencer
E. R. Hilton	J. L. Moore	Paul J. Stapleton
Clyde S. Howard	J. Lee Moore	Geo. W. Steinford
Maurice Howard	Joe T. Morgan	L. S. Stephens
Jerry F. Howell	E. C. Mullins	Ralph G. Stone
J. J. Huff	Rodes K. Myers	C. W. Taylor
Ira W. Hulette	J. C. Newcomb	E. L. Thompson
Kerby Jennings	Thos. A. Noe	Ray G. Tipton
Paul Jonas	Joe E. Nunn	E. N. Todd
L. H. Jones	Louis T. Peniston	Walter L. Trivette
B. F. Kincaid	Sylvester Phillips	S. J. Wagner
G. O. Kirkpatrick	L. W. Preston	Harry F. Walters
Edgar Kitchen	E. F. Prichard	Lyle H. Webb
Homer E. Losey	Wade H. Riley	W. W. Webster
A. L. Love	Kelse H. Risner	Geo. J. Weining
H. K. Lowman	Amos Runyan	Morris Weintraub
E. J. Lucas	J. W. Simmons	Lawrence Wells
E. H. Martin	Luther Slusher	Rodney Whitlow
W. E. McClure	Forrest Smith	John Wilborn
Jack McPherron	W. R. Smith	Mr. Speaker

Mr. Howell moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Creasey moved that the privilege of the floor be extended to Mrs. Jess Long of Sebree, Kentucky.

Said motion was agreed to.

Mr. Gilliam moved that the privilege of the floor be extended to Messrs. James Moberly and Wallace Thacker.

Said motion was agreed to.

Mr. Kitchen moved that the privilege of the floor be extended to Mr. Ellesteen Hager.

Said motion was agreed to.

Mr. Runyon moved that the privilege of the floor be extended to Mr. F. A. Conley.

Said motion was agreed to.

Mr. Runyon moved that the privilege of the floor be extended to Mr. D. C. Moore.

Said motion was agreed to.

Mr. Peniston moved that the privilege of the floor be extended to Mrs. L. B. Reed, Mrs. William Costel, Miss Edith Whartney, Miss Jean Anthony, and Mr. William Costel.

Said motion was agreed to.

Mr. Biggers moved that the privilege of the floor be extended to Sheriff F. B. Sturgill, of Floyd County.

Said motion was agreed to.

Mr. McPherron moved that the privilege of the floor be extended to Mr. and Mrs. David Parker .

Said motion was agreed to.

The Committees to which the same had been referred, reported bills of the following titles, viz.:

By Mr. Burnley of the Committee on Ways and Means.

H. B. 236. An Act relating to barbers and beauticians.

With a Committee amendment thereto.

H. B. 472. An Act declaring certain conduct and certain uses of property to constitute a nuisance; etc.

H. B. 441. An Act to provide for the construction, maintenance and operation of flood control systems.

H. B. 446. An Act enabling the Kentucky Unemployment Compensation Commission to acquire a site to erect a building to house that agency.

H. B. 420. An Act to authorize cities of the 2nd, 3rd, 4th, 5th and 6th classes to establish, construct, improve and extend municipal sewerage systems.

H. B. 417. An Act providing for district detectives for Commonwealth's attorneys.

By Mr. Arnold of the Committee on Claims.

H. Res. 70. Resolution authorizing Herman Birkhead to sue the Commonwealth.

By Mr. Webster of the Committee on Courts.

H. B. 447. An Act relating to the licensing of motor vehicles owned by governmental units.

By Mr. Prichard of the Committee on Alcoholic Liquor Control No. 2.

H. B. 462. An Act relating to alcoholic beverages.

H. B. 432. An Act relating to alcoholic beverages.

H. B. 380. An Act relating to alcoholic beverages.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

By Mr. Burnley of the Committee on Ways and Means.

H. B. 104. An Act defining plumbing, etc.

H. B. 64. An Act relating to public carriers of passengers.

H. B. 59. An Act authorizing the Commissioner of Revenue to enter into compacts with other States exempting owners of motor vehicles from the payment of license.

H. B. 96. An Act to create a Board of Naturopathic Examiners, etc.

H. B. 90. An Act relating to Old Age Assistance.

H. B. 452. An Act relating to reciprocity for non-resident owners of automobiles.

H. B. 22. An Act relating to the amount of public assistance which shall be granted to needy aged persons and needy blind persons.

H. B. 356. An Act relating to concealed weapons.

H. B. 404. An Act conferring certain powers upon cities of the 4th class with respect to flood control.

H. B. 366. An Act relating to motor vehicles, trailers, semi-trailers, etc.

With the expression of opinion that said bills ought not to pass.

No motion having been made to advance said bills to a reading the report of the Committee to the contrary notwithstanding and no further action having been taken by the House on said bills, it was ordered that said bills be not read at length the first time, and so said bills were rejected.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. McClure.

H. B. 491. An Act to provide for the Construction and maintenance, in cities of the third class, of memorials in honor of the soldiers and sailors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Memorial Commission — Members — Appointment — Terms — Powers — No Compensation.

The Mayor of any city of the third class in this Commonwealth is hereby authorized and empowered to appoint fifteen (15) persons who shall constitute a memorial commission hereinafter referred to as "Commission." Each such member shall not be less than twenty-five (25) years of age, and shall be a bona fide resident of the county wherein such city is situated. Such appointments shall be subject to the approval of the Board of Aldermen for such city. Said Commission shall be a body politic and corporate, and shall be known as ———— Memorial Commission;" and in such corporate name said Commission may sue and be sued, contract and be contracted with, adopt a seal, and alter same at pleasure; acquire real and personal property by gift, purchase, or condemnation; and may do all other things which may be reasonable or necessary to effectively carry out the work, and to properly perform the duties, intended or required by this Act. Five of said members shall be appointed for terms of six years each, and their successors shall be appointed for terms of seven years each; five of said members shall be appointed for terms of seven years each, and their successors shall be appointed for terms of seven years each; and five of said members shall be appointed for terms of eight years each, and their successors shall be appointed for terms of seven years each. If any vacancy occurs in any membership of said Commission under the initial appointment herein authorized to be made by such Mayor, such vacancy shall be filled by like appointment by such Mayor, and subject to the like approval of said Board of Aldermen; and the person appointed to fill any such vacancy, shall serve out the term for which the original appointment was made. At the expiration of the terms of the five members of said Commission appointed by the Mayor to serve terms of six years each, the remaining members of the Commission shall thereupon elect five members to serve

for terms of seven years each; and upon the expiration of the terms of the five members appointed by the Mayor to serve for terms of seven years each, the remaining members of the Commission shall thereupon elect five members to serve for terms of seven years each; and upon the expiration of the terms of the five members appointed by the Mayor as aforesaid for terms of eight years each, the remaining members of the Commission shall thereupon elect three members to serve for terms of seven years each, and thereafter, all members of the Commission shall be elected for terms of seven years each; such elections to be made in all cases by the remaining members of the Commission, in manner aforesaid. All vacancies in the terms of such members so elected by the Commission, shall be filled in like manner by the remaining members of the Commission and the members thus selected shall serve for the remainder of the terms for which they are respectively chosen. The members of said Commission shall serve without compensation, but shall be allowed their necessary expenses in travel when engaged on the business of the Commission.

2. Officers of the Commission.—The said Commission, upon the appointment of its members, shall organize and elect officers. It shall elect a chairman from its members, to serve for the term of one (1) year, and it shall annually thereafter elect a chairman. The Commission may elect a secretary and treasurer, not a member of the Commission, who shall hold the combined office at the pleasure of the Commission, and may receive a salary to be fixed by the Commission, not exceeding fifteen hundred dollars ($1,500.00) per annum to be paid by the Commission. The Commission may elect a Superintendent of Construction. This officer must be a draftsman, experienced in, and familiar with, fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the Commission, and shall receive as compensation a salary to be fixed and paid by the Commission, not exceeding five thousand dollars ($5,000.00) per annum. He shall serve, and to removable, at

the pleasure of the Commission. The commission is also empowered to select such other officers or employes as it may deem necessary to properly carry on the work of the Commission hereunder, to serve at the pleasure of the Commission; and the Commission shall fix the compensation of such additional officers and employes.

3. Further Powers of Commission — Said Commission shall have full power and authority to carry out the purposes of this Act, among which powers shall be the following the enumeration of which shall in no wise be construed as restricting the scope of the general powers conferred on it by this Act, to-wit:

(a) To make all such preliminary investigations, and to do all such preliminary work as, and in its judgment should precede the actual construction and equipment of the memorial structures herein named.

(b) To choose an appropriate site for such memorial structures, and the plans for such structures, as herein provided, and to arrange for and supervise the laying out of the necessary grounds and the construction of the said structures, and the maintenance of said grounds and structures for the purposes of this Act.

(c) To exact from any of its officers or employes, where provision is not otherwise made herein therefor, such surety or indemnity bonds for the appropriate performance of their respective duties as the Commission may deem proper.

(d) To establish and enforce such reasonable rules and regulations for its own government and for the construction, supervision, protection, management and conduct of its work and the maintenance of the said memorial structures, and for the cost thereof, as it may deem proper, and the same, to the extent they are not in conflict with law shall have the force of law.

(e) To make and enter into, in its corporate name, any and all contracts, agreements or stipulations, germane to the scope of its duties, or in accordance with the purpose of this Act.

4. Bond of Officers.—The Chairman, Superintendent of Construction and the Secretary and Treasurer of the Com-

mission, shall each give bond with corporate surety, in such sum as may be fixed by the Commission; which bond shall be payable to the Commission, and shall oblige the makers thereof to faithfully perform the duties of their several officers, and to faithfully account for, and pay over, all money or other things of value which may come into their several hands. The premiums for said bond shall be paid by the Commission.

5. What shall Constitute the Memorial.—The said Commission is hereby empowered and directed, when the funds herein provided for are rendered available, to acquire suitable grounds for the construction of, and to construct, and to cause to be constructed thereon, an adequate and appropriate memorial building or buildings and statuary and works of memorial art, to commemorate the valorous and patriotic deeds and service of the soldiers and sailors of the city and county wherein such Commission shall act, who were engaged in the army and navy of the United States during World War No. 1, and present world conflict known as World War No. 2. Said memorial shall be permanent in character, and shall take the form of a building, or buildings, with halls and auditoriums ample for both large and small assemblages, conventions, large theatrical, musical, basketball games and other sports and entertainments, and with suitable offices, rooms and equipment to properly maintain and operate such building, or buildings, and, also, appropriate statuary and works of memorial art, and all grounds necessary or appropriate for such purposes, all of which grounds, buildings, statuary and works of art, shall for the purposes of this Act, be embraced by the term "memorial". The said Commission may maintain in said memorial such flags, insignia, mementoes, records, and archives of the said war, or of historical significance in connection therewith, as may fittingly exemplify or illustrate the patriotic service rendered the United States in said war by the aforesaid soldiers and sailors, as well as by the citizens and residents of such city and county who were not engaged in the military or naval service of the United States during said war. Said memorial, and all

property acquired by said Commission, shall belong to said city.

6. Investigation—Plans.—The purpose of this Act being to provide for the construction, equipment, and maintenance of such memorial, it shall be the duty of the Commission to make, and to cause to be made, such investigation as may be necessary to enable it to determine the best plans for erecting, acquiring and furnishing such memorial. The Commission shall have the power to employ an architect or architects to submit plans for the construction and equipment of such memorial, and to attend to the carrying out of the same, and to pay reasonable compensation therefor.

7. Report and Approval of Plans.—When the Commission shall have determined upon the general plans for the construction and equipment of said memorial, a full report of such plans, together with a statement of the probable cost of carrying out such plans, shall be submitted by the Commission to the aforesaid Mayor, for the records of the city.

8. Bids for Work.—All work to be done, or supplies or materials to be purchased, in carrying out the purposes of this Act, when involving an expenditure of five hundred dollars ($500.00) or more, shall be, by contract, awarded to the lowest and best bidder, but the Commission shall have the right to reject any bid; and it is also empowered to do any part or parts of such work, under such conditions as it may prescribe, by day labor, or by other non-contract method whenever the superintendent of construction, in writing, shall recommend that course, or whenever, in its judgment, this is the best method to pursue. This section shall not be construed, however, as limiting the power of the Commission in the employment of architects, employes, clerks, or agents, as in this Act provided.

9. Report of Completion of Memorial.—After the aforesaid memorial is completed and duly equipped, the Commission shall report such fact to the Mayor who shall thereupon transmit said report to the general council of such city, and the general council, by appropriate ordinance or resolution, shall, so soon as it is satisfied that said memorial is satisfactorily completed and ready for use as intended by

this Act, formally declare such fact, and upon said ordinance or resolution being approved by the Mayor, or otherwise becoming effective as provided by law, it shall thenceforth be the duty of the general council to annually make the tax levy for the maintenance of the aforesaid memorial structures to the extent, and as, in this act provided.

10. Tax for Maintenance.—For the purpose of providing necessary funds for maintaining such memorial and for carrying on the work of the Commission after such memorial is completed, the general council of such city is empowered and directed to annually levy and collect a tax not exceeding five cents (5c) on each one hundred dollars ($100.00) worth of taxable property in such city as determined by the last regular assessment of such city, and the taxes so levied shall be collected in the customary way and shall be paid over to said Commission for the purpose named in this section; provided, however, that if it shall appear from the report or statement of the Commission that funds received by gift or from earnings of the memorial, available for maintenance of the memorial for any fiscal year, are fully adequate therefor after deductions therefrom are made as herein provided, the said tax levy for such year may be withheld by the general council.

11. Limit of Maintenance Expenditure. — Except with the approval of such general council the Commission shall not incur, for the maintenance purposes of the memorial, or permit the incurrence of, any liability or expense, exceeding the total funds derived, or to be derived, for any fiscal year, through the levying and collection, for such purpose, of the aforesaid taxes for such year, supplemented by income from the memorial, and by any gift or donations in money, or property reduced to money, which may be made to the Commission for maintenance purposes.

12. Fiscal Year — Financial Reports — Depreciation Fund.—The fiscal year for the Commission shall be the same as the calendar year. After the completion of the said memorial structures and after acceptance of such fact is duly made by the general council as herein provided for, it shall be the duty of the Commission thereafter, during the month of

December, of each year, to prepare and certify to the Mayor of such city, to be by him transmitted to the general council of such city, a statement showing the total funds which, in the judgment of the Commission, will be needed for the purposes of maintaining the memorial for the ensuing fiscal year, and setting forth in detail the sums needed for the different classes of such expenditures; and setting forth, also, the estimated balance, if any, which will be on hand on the first of January following the certification of said statement and available for expenditure during said ensuing fiscal year for maintenance purposes, also, indicating, as nearly as may be possible, what, if any, additional funds or assets other than such as may be derived from the levy and collection of taxes, as aforesaid, for maintenance purposes for said ensuing fiscal year, will become available during such year for such expenditure. The general council in making the levy of the tax for maintenance purposes shall take into consideration the amount of funds which may be held or derived by the Commission on account of gifts or donations to the Commission for maintenance purposes. The Commission shall have the right to set aside and retain from year to year out of the maintenance funds derived by gift or taxation, or both, as herein provided for, a reasonable fund to be known as an "improvement and replacement fund," to cover needed improvements, replacements and equipment for, and depreciation of, the memorial; said funds to be placed at interest in a bank, or banks, of such city, or invested in United States Government interest-bearing bonds, or in any interest-bearing bonds of such city, or of any of its instrumentalities. The amount each year for such purposes thus set aside shall be held and used as occasion may require, as a further memorial building and improvement fund to improve and further equip said memorial, and in case of destruction of said memorial, or any portion thereof by fire or wind or other casualty, or decay, for replacement purposes; provided, however, that the costs of ordinary repairs shall be paid for out of maintenance funds.

13. Further reports — System of Accounts — Examinations.—Within sixty (60) days after the close of each fiscal

year the Commission shall make a full, detailed report to the Mayor of such city, showing all the financial operations of the Commission during the previous fiscal year; showing also, the general scope of the operations of the Commission and of the memorial during the previous fiscal year; showing also, the general scope of the operations of the Commission and of the memorial during the preceding fiscal year, which report shall be transmitted by the Mayor to the general council of such city. The Commission shall adopt and maintain an up to date and efficient system of accounting, covering all of its fiscal work and that on the memorial. The Mayor of such city may cause to be examined at any time such accounts and records, and report of such examinations shall be made to the Mayor. The Mayor and the general council may call upon the Commission at any time for any information or report concerning the fiscal or other operations of the Commission.

14. Use of Memorial — Income. — The Commission is hereby empowered to use, and to permit the use of the said memorial, and the grounds, auditoriums, halls, offices and room thereof, for conventions, theatrical and musical performances, public entertainments, sports, games, and other meetings or assemblages, and to make and collect reasonable charges therefor, except where such use is for memorial or other purposes of such a distinct civic character or purely public benefit as shall, within the discretion of the Commission, render any charge for such use undesirable, and all revenues thus derived shall be held and used by the Commission to the extent that some may be necessary to maintain and operate such memorial structures, and to provide for the replacement and improvement fund.

15. Gifts and Donations.—The Commission is hereby empowered within its discretion, to accept any gifts or donations of real estate or funds, securities or other property of any other description, for any of the purposes of this Act, any such gift or donation to be accompanied by a suitable instrument, executed by the donor or donors, setting forth the purposes of which such gift or donation is made, and such gift or donation, or the proceeds thereof when reduced to

money, if not already in money, shall be used by the Commission only for the purpose for which donated or given. All such gifts or donations, shall be reduced to money, or to high class interest bearing securities acceptable to the Commission; and thereupon such funds or securities shall be placed in some solvent bank or banks, or trust company or trust companies, in such city, to be agreed upon by the Commission, and be held by such banks or trust companies until sufficient funds are available for the purposes of this Act. Such funds or securities shall constitute assets of the Commission for expenditure in accordance with the terms of such gifts or donations agreeable to the provisions of this Act.

16. Tax for Construction.—In order to provide part of money for the construction and equipment of said memorial, the general council of such city is empowered and directed to annually levy and collect a tax not exceeding ten cents (10c) on each one hundred dollars ($100.00) worth of taxable property in such city, as determined by the last regular assessment of such city, and the tax so levied, shall be collected in the customary way, and shall be paid over to said Commission for the purposes, except that such tax, shall not be levied or collected for construction purposes, after the report of the Mayor of the completion of the said memorial as provided in section 9 in this Act.

17. Use of Funds Derived Through Bonds or Gifts.—All of the funds realized from the aforesaid tax, together with the aforesaid gifts or donations or funds, shall be expended by the Commission for the acquirement of necessary grounds and for the construction and equipment of said memorial, as provided for in this act; and the title to all such property, however acquired, shall vest in said Commission, and shall be held and used in strict and inviolable trust for the purpose contemplated by this act, and free from all taxation, impost or assessment—state, county, district, municipal, or otherwise. The Commission shall have the right to exchange or sell, for the purposes of this act, any of the property donated or given to it for such purposes.

18. Partial Repeal of Section ———, Kentucky Statutes.—Section ——— Kentucky Statutes, vesting in the Board of Public Works of cities of the third class, supervision and control over the construction of all public buildings and public improvements, shall, to the extent that same conflicts with this act, stand repealed, but to no further extent.

19. Legal Services.—All legal services or advice required by said Commission shall be rendered by the city attorney of such city, and his assistants, without additional compensation to them therefor.

20. Repealing Clause.—All acts or parts of acts in conflict or inconsistent herewith are hereby repealed.

21. Invalidation of Any Provision—Effect.—If any section, paragraph, clause or separable provision of this act shall be held to be invalid such fact shall not affect or render invalid any other section, paragraph, clause or separable provision of the act, it being the intention of the General Assembly in enacting this act to enact each section, paragraph, clause and provision separately.

22. Liberal Construction of Act.—This act, and all and each of its various sections and provisions, shall be liberally construed in favor of the purposes of the act.

23. Emergency Clause.—Because of the fact that in Henderson, a city of the third class, there are ready to be made to the Commission which may, under provisions of this act be created for said city, substantial gifts and donations, and for the further reason that it is very important that in said city, the provisions of this act become effective at the earliest possible moment in order to carry forward successfully the work of the Commission hereunder, an emergency is hereby declared to exist, and this act shall take effect on and after its approval by the Governor.

By Mr. Clyde S. Howard.

H. B. 492. An Act amending Section 311.210 KRS.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 311.210 Kentucky Revised Statutes is hereby amended and as amended reads as follows:

GROUNDS FOR SUSPENSION, REVOCATION, REFUSAL TO ISSUE LICENSE.

(1) The board may suspend, revoke or refuse to issue a license to practice optometry for any of the grounds listed in KRS 311.110.

(2) It may also revoke any optometrist's license for:

(a) Practicing as an itinerant or peddling from door to door, establishing a temporary office or practing optometry outside or away from his regular office or place of business.

(b) Committing any gross immorality or fraud, or making any false statement.

(c) Employing, procuring or inducing any person not holding a license to practice optometry or any branch of medicine or aiding or abetting such person to practice optometry or any branch of medicine.

(d) Advertising superiority of performance of professional service or seeking patronage by advertising prices for eyeglasses, spectacles, ophthalmic lenses, frames, mounting or optometric devises.

(e) Seeking patronage by advertising free optometric services or free examinations, making any statement or advertising or claiming to guarantee any optometric service of any eyeglasses, lenses, frames or mountings.

(f) Seeking patronage by means of solicitors, canvassers or agents, or by publishing, directly or indirectly, any false, fraudulent or misleading statement as to skill of method of practice of any person in the practice of medicine or optometry.

(g) Advertising credit or terms of credit; or advertising by means of large displays; or by electric signs, or by any illuminated sign; or any sign that sets forth more than the name, profession, title (such as O. D. or O. D. S.) and office hours of the optometrist, the lettering or such sign must not exceed six inches in height; or by advertising by means of a sign or display which contains or is a representation of any eyeglasses, spectacles, lenses, frames or mountings; or

advertises for patronage by means of any window display handbills, posters, circulars, stereoptican slides, motion pictures, radio, newspapers or periodicals.

(3) Nothing in this section shall prevent any optometrist from establishing branch offices if such offices are fully equipped with the instruments necessary to make an optometric examination and if every such office is in charge of a licensed optometrist.

(4) No license may be refused, suspended or revoked except as provided in KRS 311.120.

By Messrs. Howell, Denny.

H. B. 493. An Act relating to Industrial Life Insurance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (4) of Section 297.130 of the Kentucky Revised Statutes of 1944, relating to Industrial Life Insurance is amended and re-enacted to read as follows:

(4) In construing the provisions of this section, Industrial Insurance shall be considered to be insurance purchasable solely by weekly or monthly premiums if the words Industrial Policy are printed on the policy as a part of the descriptive matter.

Section 2. Subsection (7) of Section of 297.131 of the Kentucky Revised Statutes of 1944 is amended and re-enacted to read as follows:

(7) In construing the provisions of this section, "Ordinary Insurance" or "Insurance Upon the Ordinary Plan" shall be considered to be insurance that may be paid for by a single premium, by annual premiums or by semi-annual or quarterly or other installments thereon at the option of the Company; and "Industrial Insurance" shall be considered to be insurance purchasable solely by weekly or monthly premiums if the words Industrial Policy are printed on the policy as a part of the descriptive matter.

By Mr. Howell.

H. B. 494. An act relating to elections with special reference to registration and voting by absent voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Absent voter" means any qualified voter who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district. county or city office, including school district offices, and any election upon a public question.

§ 2. Any absent voter may, at any time not less than ten days before an election, make an application in writing, on the form prescribed in Section 3 of this Act, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

§ 3. Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county court clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of ..... County.
....., Kentucky.

"I, ..., state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of ..... County and have been such for more than six months prior to said date, and am a resident of ..... precinct of said county (or ..... ward of the city of ....., county of .....) and have been such for at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the ..... political party; that in the course of my business or duties I expect to be absent from said precinct

or ward on the election to be held in said precinct or ward on the ..... day of ....., 19....., and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

.....

(Name and Address)

.....

(Rank and unit if member of Armed Forces)

.....

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this ..... day of ....., 19.....

.....

(Name and Official Title)

§ 4. Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in Section 7 of this Act. If the County court clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voter's Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in

Section 7 of this Act. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words, "Absentee Registration". Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

§ 5. The county court clerk shall prepare a list of the names of all persons who have applied for absent voter's ballots. Such lists shall be delivered by the county court clerk to the precinct election officers of each precinct at the same time other election paraphernalia is delivered to them on the morning of the election, and the precinct election officers shall post the list in a public place at the voting place where it may be inspected by any voter. The list shall be entitled "List of Applicants for Absentee Ballots".

§ 6. The county court clerk, after the ballots for an election have been printed, shall take the book of ballots and stubs for each precinct in which there are voters who have applied for absent voter's ballots and, commencing with the first ballot in the book, shall write the names and addresses of such absent voters on the primary stubs of the ballots, and across such stubs shall write the words, "Absent Voter." In the case of primary elections, the clerk shall use the ballot books in which are contained the ballots of the political party with which the particular voter is affiliated. After having made the entries above required, the county court clerk shall remove the ballots from the book, with the secondary stubs attached, and shall send the ballots of each voter to the address given by him in his application, the ballot sent to each voter to correspond with the number on the stub on which such voter's name is written. There shall be enclosed with the ballot sent to each voter the two official envelopes for returning the ballot hereinafter provided for, and a copy of

the instructions for absent voters. The ballot, envelopes and instructions shall be sent postage prepaid, and if the address of the applicant is outside the continental limits of the United States the same shall be sent Air Mail.

§ 7. The county court clerk of each county shall cause to be prepared and printed an appropriate number of outer envelopes for absent voter's ballots, which shall bear the words "Absent Voter's Ballot" and shall also bear the address and official title of the county court clerk.

§ 8. The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter .....

Residence (street and number, if any) .....

.....

County of .....

City or Town of .....

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (of affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the ..... day of ....., 19..... (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of ..... for more than six months preceding such election, and a resident of ..... precinct of said county (or ..... ward of the city of ....., county of .....) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the ..... political party; that in the

course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

.....

(Voters must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this ..... day of .....

.....

(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

§ 9. The Secretary of State shall also cause to be prepared and printed an appropriate number of forms for application for absent voter's ballots, and of instructions for absent voters. The Secretary of State shall furnish to each County Court Clerk, upon application, a sufficient number of inner envelopes, application forms, and instructions.

§ 10. When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

§ 11. When the county court clerk receives an absent voter's ballot, he shall at once endorse on both envelopes the day and hour he received the same. All such ballots received by him before the day on which the election is held at which the ballot is to be voted shall be transmitted by him, in the outer envelope and with the inner envelope unopened, to the election officers of the precinct in which the absent voter is

an elector at the same time the ballots for the election are delivered to them. All such ballots received by him on or after such election day shall be kept by him unopened until thirty days after such election, when the same shall, without being opened, be burned by the clerk in the presence of the judge and sheriff of the county.

§ 12. The election officers of any election shall, while the polls are open, examine such absent voter's ballots as have been delivered to them. If, upon such examination, it is found that the inner envelope is regular and in the form and condition provided by this Act, and has not been opened but is properly sealed and the affidavit on the face thereof is regular and in the form provided by this Act, the clerk of the election shall read aloud the name of the absent voter. If the vote of such voter is not rejected on a challenge then made, as hereinafter provided, the clerk shall then open the envelope and remove the ballot therefrom without unfolding it, and in such way as not to expose the markings thereon or how the absent voter has voted. The Clerk shall write his name on the back of the ballot and then hand it to one of the judges, who shall write his name on the back of the ballot, detach the secondary stub, and then place the ballot in the regular ballot box. The clerk shall then indicate, in the proper place on the registration record, as provided in KRS 117.120 and 117.310, the fact that such absent voter has voted. When the name of an absent voter is read aloud by the clerk, the vote of such voter may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the officers of the election as though the voter were present and voting in person, but if the envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the provisions of this Act, they shall be considered as showing that the absent voter is prima facie entitled to vote. If the vote of an absent voter is rejected pursuant to a challenge, the inner envelope shall not be opened, and the clerk shall write on the envelope the word "rejected."

§ 13. The officers of the election shall place, in the envelope in which the other election material is returned to the county court clerk, the envelopes for such ballots as were cast, and any ballots that were rejected.

§ 14. Any oath or affirmation required by this Act to be taken before a civil officer may, in the case of a person serving in or attached to the Armed Forces of the United States, be taken before any commissioned officer of the Armed Forces. Any officer before whom the same is taken shall subscribe his name and official designation.

§ 15. Where absent voter's ballots are received for any precinct where voting machines are used, the county court clerk, at the time of delivering the election paraphernalia to such precinct, shall deliver a special ballot box to be used for receiving such absent voter's ballots. The precinct election officers shall place the ballots in the box in accordance with the provisions of Section 12 of this Act. The ballot box shall be returned to the county court clerk in the same manner and under the same conditions as provided by law for precincts in which voting machines are not used, and shall likewise be delivered to the county board of election commissioners for canvassing and tabulation. The ballots from such boxes shall be canvassed and tabulated, and the results thereof shall be added to the respective totals as indicated by the tabulations from the voting machines.

§ 16. The provisions of this Act shall not be construed to prohibit any absent voter, who has returned to his place of residence, from voting in person within his precinct at any election notwithstanding that he may have made application for an absent voter's ballot and such ballot has been mailed to him, if such voter has not voted the ballot and mailed it to the county court clerk. In such case the voter shall return the ballot not voted to the county court clerk from whom he received it, and the county court clerk shall mark the ballot "cancelled" and preserve it for the same period as other absent voter's documents are to be preserved.

§ 17. Any absent voter who has mailed an absent voter's ballot to the county court clerk as provided in this Act, and who appears at the voting place in his voting precinct on the day of the election, before his ballot has been deposited in the ballot box, shall have the envelope containing his ballot opened in his presence, and the ballot found therein shall be deposited in the ballot box in his presence, or he may ask for a new ballot with which to vote, in which case, if his ab-

sent voter's ballot has not been deposited in the ballot box, he shall be given a new ballot; in that case his absent voter's envelope shall not be opened, and the clerk of the election shall mark across the face thereof the words "Unopened because voter appeared and voted in person," and such envelope shall be handled in the same manner as rejected ballots.

§ 18. The death of any absent voter prior to the day in which the election is held shall constitute grounds for challenging his ballot before it is deposited by the election officers, and shall constitute grounds for not counting such ballot in any contest proceeding.

§ 19. The cost of postage and envelopes required to be used by the county court clerk in carrying out the provisions of this Act, including the cost of printing the outer envelopes, shall be paid by the county.

§ 20. Jurisdiction of any prosecution for a violation of any provision of Sections 1 to 19 of this Act, whenever the violation occurred, whether within or without this state, is hereby vested in the circuit court of the county of the voter's residence.

§ 21. (1) Any person who, for the purpose of voting under the provisions of Sections 1 to 19 of this Act, swears to or affirms an application for an absent voter's ballot, or swears to or affirms the oath on the inner envelope for an absent voter's ballot, knowing that the same contains any false statement, shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any county court clerk or election officer who willfully refuses or fails to perform any of the duties required of him by Sections 1 to 19 of this Act, or who in any manner willfully violates or abuses any trust or duty imposed on him by those sections, shall be fined not less than one hundred dollars nor more than one thousand dollars.

(3) Any person who, by threat, bribery, corrupt or arbitrary measure, offer or payments of reward, or by other unlawful means, interferes with any qualified voter in the free exercise of his right to vote under the provisions of Sections 1 to 19 of this Act, shall be fined not less than one hundred dollars nor more than one thousand dollars.

§ 22. For the purpose of carrying out the duties imposed on the Secretary of State by Sections 1 to 19 of this Act, there is hereby appropriated to the Secretary of State, out of the General Expenditure Fund in the State Treasury, for each of the fiscal years 1946-1947 and 1947-1948, the sum of $2,000.

§ 23. Section 119.080 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

Candidates for offices to be voted for by the electors of one county or of a district less than one county, except members of Congress, shall file their nomination papers with the county clerk of the county at least forty-five days before the primary election. Candidates for offices to be voted for by the electors of more than one county, and for members of Congress, shall file their nomination papers with the Secretary of State at least fifty-five days before the primary election.

§ 24. Subsection (1) of Section 119.130 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Not less than forty-five days before the primary election is to be held, and after the order of the names has been determined as provided in KRS 119.140, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination of the respective candidates, the name, place of residence and party of each candidate for each office, as specified in the nomination papers filed with him, and shall designate the device under which the candidate groups of lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot.

§ 25. Subsections (2) and (3) of Section 119.140 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(2) For all other offices for which nomination papers are filed with the Secretary of State, the order of names of candidates for each office shall be determined by lot at a public drawing to be held in the office of the Secretary of State at 2 p. m., Standard Time, fifty-three days before the primary election.

(3) For all offices for which nomination papers are filed in the office of the county clerk, the order in which the names of candidates for each office are to be printed on the ballot shall be determined by lot at a public drawing in the office of the county clerk at 2 p. m., Standard Time, forty-three days before the primary election.

§ 26. Subsections (2), (3) and (4) of Section 118.130 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(2) Certificates of nomination made by the governing authority of a party to fill vacancies in office, as provided in KRS 119.030, shall, when required to be filed with the Secretary of State, be filed not less than fifty-five days before the day fixed by law for the election of the person in nomination. When required to be filed with the county clerk, they shall be filed not less than forty-five days before the day fixed by law for the election of the person in nomination.

(3) Except as provided in subsection (4) of this section, petitions and certificates of nomination made under KRS 118.080 to 118.090, when required to be filed with the Secretary of State, shall be filed not less than fifty-five days before the day fixed by law for the holding of primary elections. When required to be filed with the county court clerk, they shall be filed not less than forty-five days before the day fixed by law for holding of primary elections.

(4) Petitions and certificates of nomination made under KRS 118.080 and 118.090 for the nomination of candidates for city offices or of candidates for members of boards of education shall be filed not less than forty-five nor more than sixty days before the day fixed by law for the election of the person in nomination, except that where any independent graded school district comprises parts of two or more counties the petitions or certificates shall be filed with the Secretary of State not less than fifty-five days prior to the day fixed for the election of the person in nomination. Certificates of nomination for electors of President and Vice President of the United States shall be filed with the Secretary of State not less than fifty-five days prior to the date fixed by law for the election of such electors.

§ 27. Subsection (1) of Section 118.180 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) All ballots shall be printed on number one opaque white book paper, weighing eighty pounds to the ream on the bases of a twenty-six by forty inch sheet, or forty pounds to the ream on the basis of a double cap sheet. The county clerk shall notify the Secretary of State sixty days before the day of election of the size and number of ballots that will be necessary for his county, estimating five percent more to the precinct than there are registered voters in the county, and the Secretary of State shall furnish the paper within five days after the notification by the county clerk.

§ 28. Subsection (2) of Section 118.430 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Attorney-General shall state the substance of the amendment in the form of a question in a manner calculated to inform the electorate of the substance of the amendment, and shall certify the question to the Secretary of State for inclusion upon the ballot. The Secretary of State, not less than fifty days before the next regular election at which members of the General Assembly are to be chosen, shall certify the substance of the amendment, as stated and certified by the Attorney-General, to the county clerk of each county, and the county clerk shall have the substance of the amendment, as so certified, indicated on the ballot as provided in KRS 118.170.

§ 29. Subsections (1) and (2) of Section 89.060 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(1) In cities of the second and fourth classes no person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the regular election day there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day for the primary election, file with

the county clerk a petition signed by at least one hundred voters, in a city of the second class, or by at least twenty voters, in a city of the fourth class, in the following form:

"We the undersigned, qualified voters of the city of ....., and residing each at the place indicated opposite his name, do hereby request the name of ..... be placed on the ballot as that of an applicant for nomination for the office of ..... at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

Name	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more than four applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

§ 30. Subsection (1) and (2) of Section 89.440 of the Kentucky Revised Statutes of 1944 are amended to read as follows:

(1) No person shall be elected to the office of mayor, police judge or commissioner without first having been nominated in the manner prescribed by this section. On the seventh Saturday before the day for the regular election there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least forty-five days before the day of the primary election file with the

county clerk a petition signed by at least one hundred voters, in a city of the second class, or by at least fifty voters, in a city of the third or fourth class, in the following form:

"We the undersigned, qualified voters of the city of ....., and residing each at the place indicated opposite his name, do hereby request the name of ..... be placed on the ballot as that of an applicant for nomination for the office of ....., at the primary election to be held in our city on the seventh Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character, and he is, in our judgment, qualified for the duties of said office.

Name	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If any voter signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more applicants for nomination for commissioners than the number of commissioners to be elected, the name of that petitioner shall not be counted as a valid name on any petition.

§ 31. Sections 126.010 to 126.990, inclusive, of the Kentucky Revised Statutes of 1944 are repealed.

§ 32. Whereas, in order to make this Act operative for elections to be held during the year 1946, it is essential that this Act take effect immediately, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Messrs. Denny, Embry, Biggers, and Begley.

H. B. 495. An Act relating to the adoption of persons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. As used in this Act, unless the context otherwise requires:

(1) "Child" includes also an adult.

(2) In cases of subsequent adoption the words "father," "mother" and "parent" includes father, mother or parent by adoption.

(3) "Division" means Division of Vital Statistics of Department of Health of the Commonwealth of Kentucky.

(4) "Department" means Department of Welfare of the Commonwealth of Kentucky.

SECTION 2. (1) Any adult who has resided in this State for twelve months next before the filing of a petition may petition for leave to adopt a child. The petition shall be filed in the Circuit Court of the county of his residence. No petition by a married person shall be granted unless such petitioner's husband or wife joins therein, except when the petitioner is married to the natural father or mother of the child, joinder by the natural father or mother is unnecessary.

(2) Any person of any age may be adopted. After one adoption there may be subsequent adoptions.

(3) No petition for the adoption of any child under the age of sixteen (16) shall be filed until after the child has lived continuously for at least twelve (12) months immediately prior to the filing of the petition in the home of the petitioner.

(4) Except as otherwise specified in this Act, the following persons shall be made parties dependant to the action if the person to be adopted is under twenty-one (21) years of age:

(a) The child to be adopted;

(b) Its natural living parents if the child is legitimate;

(c) If the child is born out of wedlock, its mother if living, or if she be dead, the child's guardian, if it have one.

(d) If the child has no such living parent or guardian or if no natural parent is known to or ascertainable by petitioner, or if as provided in subsection 2 of Section 5, the

natural parents need not be made defendants, the Department shall be made a defendant;

(e) If the care, custody and control of the child has been transferred to the Department or its designated agency or to any charitable institution or association, then such charitable institution or association or Department shall be made a party defendant. If it be alleged in the petition for adoption and proved to the satisfaction of the Court that any child's care, custody and control with consent to adoption has been transferred to the Department, a charitable institution or association by a Court order which is in effect when the petition for adoption is filed, such Department, charitable institution or association shall be deemed to stand in loco parentis to such child and the child's natural parents need not be made parties defendant.

(f) If the mother of an illegitimate child or a minor parent has executed a written consent to adoption or a written relinquishment of parental rights before a Judge of a Circuit Court of the Commonwealth of Kentucky, and such Judge has certified below such consent or relinquishment of parental rights that he has explained the contents of such consent or relinquishment or parental rights to said mother or minor parent before its execution, and that in the opinion of such Judge such mother or minor parent understood the effect thereof, such mother or minor parent need not be made a party defendant.

(5) Each party defendant shall be brought before the Court by personal or constructive service as provided in the Civil Code of Practice for other civil actions, or, if such party defendant be an adult, by such adult defendant's entering his or her appearance. If the child to be adopted is under twelve (12) years of age and the Department, a charitable institution or association stands in loco parentis to such child, as aforesaid, then services of process upon such child shall be had by serving a copy of the summons in such action upon the person in charge of the Department, charitable institution or association, any provision of Section 52 of the Civil Code of Practice to the contrary notwithstanding.

Section 3. (1) The petition for adoption shall be verified by each petitioner.

It shall allege:

(a) The name, date and place of birth, place of residence and mailing address of each petitioner and if married, the date and the place of their marriage;

(b) The name, date and place of birth and the place of residence and mailing address, if known, of the child sought to be adopted.

(c) The relationship, if any, of the child to the petitioners;

(d) The full name by which the child shall be known after adoption;

(e) A full description of the property, if any, of the child, so far as it may be known to the petitioners;

(f) The names of the parents of the child, whether natural or adoptive, and the address of each living parent, if known, provided that if the rights of the natural parents have been terminated by a court of competent jurisdiction, the names and addresses of parent or parents shall be omitted; further provided that if the child is illegitimate, the name and address of the natural father shall not be given;

(g) The name and address of the guardian of the child;

(h) Any further facts necessary for the location of the person or persons whose consent to the adoption this Act requires, or whom this Act requires to be made parties to or notified of the proceeding;

(i) The circumstances under which the child entered the home of the petitioners and the date of such entry;

(j) If any fact herein required to be alleged is unknown to petitioners, such lack of knowledge must be alleged;

(2) If the care, custody and control of the child has been transferred to the Department or any charitable institution or association by court order, a certified copy of such order shall be filed with the petition;

(3) Any notarized consent or consents except those of the Department to the adoption as required by this Act shall be filed with the petition.

Section 4. (1) Upon the filing of the petition for the

adoption of any minor child, the petitioner shall file two copies of such petition with the Clerk of the Court, who shall attest said copies and mail them to the Department. The Department of any agency designated by it, upon receiving them from the Clerk and the notice hereinafter mentioned, shall fully investigate and develop all pertinent factors as it deems proper for the purpose of determining the propriety of the adoption as it relates to the child and the petitioners; and the child's own attitude toward the adoption in any case in which the child's age makes it feasible. The findings of the investigation shall be embodied in a written report and shall be submitted to the court three (3) days before the hearing upon the petition and shall be filed with the record of the proceedings and becomes a part thereof. The Child's birth certificate shall be filed as a part of the report where it is possible for the Department to obtain this from the Division. The said report shall contain a full statement of all findings and a recommendation as to whether or not the prayer of the petition should be granted. Said report shall be considered prima facie evidence of the facts therein stated and the recommendations therein contained upon any hearing of the action. Any investigation report made by an agency authorized by the Department shall be submitted to the Department by said agency for its action and referral to the Court.

(2) Upon the filing of a petition for adoption the Clerk of the Court shall appoint a time and place for hearing which shall allow a reasonable time of not less than ninety (90) days for the investigation and filing of the report provided in sub-section (1) of this section. The Clerk of the Court shall mail notice of the date of hearing to the Department together with the copies of the petition attested by him.

SECTION 5. (1) Except as otherwise specified in this section, no adoption shall be permitted except upon the notarized consent of the living parent or parents of the child, or of the mother of an illegitimate child, but, if the court finds upon evidence thereof that the parents cannot be located, the consent of the next of kin, guardian or person standing in loco parentis shall be required. The court, how-

ever, cannot determine this issue until after a diligent search has been made for the parent or parents over a period of time not less than six (6) months from the date of the initial hearing. Consent cannot be given by the next of kin, guardian or person standing in loco parentis or by the Department, charitable institution or association unless it is determined by the Court that such next of kin, guardian, Department, charitable institution or association or person standing in loco parentis has the legal right to give such consent. If the court finally determines that the child has no no living parent, next of kin, statutory guardian or person standing in loco parentis as defined in this Act, consent must be given by the Department before the granting of the petition.

(2) If the court determines that the child is of illegitimate birth notwithstanding that the mother was married at the time of its conception or birth, it is not necessary to obtain the consent of the man to whom said mother was married at the time of said child's conception or birth nor make him a party defendant.

(3) In the case of a child twelve (12) years of age or over, the consent of the child to be adopted shall be given, in writing, in the presence of the trial court.

(4) In the case of an illegitimate child and as provided herein, adoption shall not be permitted without the consent of the Department of Welfare.

(5) If the person to be adopted is twenty-one (21) years of age or over, his or her consent alone shall be necessary and he or she alone shall be made a party defendant.

(6) Where the consent of a minor parent is required, a guardian ad litem for such parent shall be necessary and the consent of the minor parent shall be effective only as concurred in by such guardian ad litem, unless said minor parent shall have executed a consent before the Judge of a Circuit Court of the Commonwealth of Kentucky as hereinbefore provided, in which event a guardian ad litem for such infant parent shall not be necessary.

(7) The consent of a parent shall not be required if such parent has been adjudged incompetent by reason of mental disability by a court of competent jurisdiction and

such judgment shall have been in effect for not less than one (1) year prior to the filing of the petition for adoption and if the court in said adoption proceedings shall appoint a guardian ad litem for such parent who has been adjudged incompetent by reason of mental disability and such guardian ad litem after making a full investigation of the facts pertaining to the adoption files a written report recommending that such adoption be made. In the event that such incompetent parent shall have a committee, then such committee shall perform the acts hereinbefore required of the guardian ad litem and the guardian ad litem shall not be required to be appointed, but such committee shall be made a party defendant. However, in such cases adoption shall be permitted only on the consent of the Department.

(8) Where a parent is not made a defendant by the provisions of this Act, a guardian ad litem shall be appointed to represent the infant to be adopted and said guardian ad litem shall file a written report with his recommendations.

SECTION 6. The child to be adopted if twelve (12) years of age or over and the petitioners shall attend the hearing in person and said hearing shall be held in chambers. A child under twelve (12) years of age shall not be required to attend the hearing unless the court so orders.

SECTION 7. (1) The Court shall not enter a judgment of adoption of a minor child unless the Court finds that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child, that the best interests of the child would be promoted by adoption, and that the child is suitable for adoption.

(2) If after the hearing of the case and the filing of the required consent the Court adjudges that the facts stated in the petition are established, and that all legal requirements relating to adoption have been complied with, it shall enter an order setting forth all jurisdictional facts and adjudging that from and after the date thereof the child shall be deemed the child of the petitioners, for the purposes set forth in Section 9.

(3) In the judgment the name of the child may be changed to conform with the prayer of the petitioners.

(4) If for any reason whatsoever a petition for adoption of a minor child be dismissed or the prayer thereof be denied, the following disposition shall be made of the child:

(a) If the child is, or was prior to the filing of the petition, in the care, custody and control of the Department or any charitable institution or association, then the child shall be returned to the custody of the Department or such institution or association.

(5) Otherwise the Court shall certify the case to the Juvenile Division of the County Court of the County where the adoption proceeding is pending for appropriate action and disposition. Said County Court shall advise the Department of the pendency of such action.

SECTION 8. Any party to any adoption proceeding who is aggrieved by any final order made therein shall have the same right of appeal to the Court of Appeals of Kentucky as in other equity action.

The appeal of any minor party to such action may be taken in his behalf by a next friend or by any guardian as such minor party may have.

SECTION 9. Any child adopted according to this Chapter shall be considered, for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it. A child adopted under this Chapter shall be freed from all legal obligations of maintenance and obedience to its natural parents, except that where the adopting parent of the child is married to the natural parent of the child, the relation of the child to that natural parent shall not in any way be altered by the adoption and the rights and obligations of the natural parent and the adopting parent to the child shall be the same as if the child were the natural child of both the natural parent and the adopting parent. Nothing herein shall be so construed as to prevent the adopted child from inheriting under the general law in regard to the descent and distribution from its natural parents.

SECTION 10. Any person or parent instrumental in placing, or who assists, aids or abets in placing a child for adoption in a home other than its own without first notifying the Department in writing and having its advice and consent shall be guilty of contributing to the neglect of such child as that offense is defined by the Kentucky Revised Statutes, 1944 Edition, Chapter 199, and punished as therein provided.

SECTION 11. (1) No person, corporation or association shall advertise in any manner that it will receive children for the purpose of adoption nor shall any newspaper published in the Commonwealth of Kentucky nor any other publication which is prepared, sold or distributed in the Commonwealth of Kentucky contain an advertisement which solicits children for adoption or solicits the custody of children.

(2) An violation of this Section shall be punishable by fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or by confinement in the County Jail for a period of not less than thirty (30) days nor more than twelve (12) months, or by both such fine and imprisonment.

SECTION 12. (1) The files and records of the Court in adoption proceedings, shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the Department, except upon order of the Court, expressly permitting inspection. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, Statistics of such reversal or modification and the effect of same, and thereupon the Division shall make such changes, if any, in its records as may be made necessary by such reversal or modification.

SECTION 13. Nothing in this Act shall be construed to void any proceedings heretofore filed under the law in force and effect prior to the enactment of this Act.

SECTION 14. Sections 405.140, 405.150, 405.160, 405.170, 405.180, 405.190, 405.200, 405.210, 405.220, 405.230, 405.240, subsection 6 of Section 405.990 of Kentucky Revised Statutes, 1944 Edition, are hereby repealed.

By Mr. Rodes K. Myers.

H. B. 496. An Act relating to Plumbing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. DEFINING PLUMBING. Plumbing is the art of installing and the sanitary maintenance throughout the Commonwealth of Kentucky of all pipes for the safe distribution of water and gases to points of use and the safe disposal of waste, drainage, water borne soils, sewage, foul airs and vapors and all the fittings, fixtures and appurtenances used to convey and/or retain substances in the process of manufacture or sale of commodities for human consumption.

Plumbing under the provisions of this act include water and gas piping from source of supply to points of use.

Plumbing under the provisions of this act shall include the house sewer which conveys waste water from points of use or accumulation, and water borne soils and sewage from structures and the premises thereto, to the street sewer or other means of disposal.

The term "House Sewer," shall include private sewage disposal contraptions or other water, water borne soils, and sewage pipes from structures and the premises thereto, to points of disposal. All sewer piping other than public sewers in public streets or public thoroughfares.

Plumbing under the provisions of this Act shall include the fixtures, appliances and appurtenances connected with the pipes or piping or other means of disposal as hereinabove set out, together with all venting necessary for the proper functioning thereof which renders the installation of same safe for health and property.

Plumbing under the provisions of this act shall include the installation and proper maintenance of all pipes, fixtures, machines and appurtenances connected with a distribution system which supplies water to points of use, except that connected with steam heating plants.

Plumbing under the provisions of this act shall include the installation and proper maintenance of all pipes and appurtenances used to convey or retain substances in the process of manufacture and/or sale of commodities for human consumption.

Plumbing under the provisions of this act shall include the protection of the water supplies for any purpose from any source of contamination and pollution, or the depletion by undue or overuse which would deplete or deprive animal and vegetable life beyond natural causes by lowering the earth's water table.

Plumbing under the provisions of this act shall include the installation and proper maintenance of all pipes, fixtures, appurtenances and machines and other equipment used to convey and conduct water, gases, waste and water borne soils, sewage, foul air and vapors to points of use or disposal, the improper installation and improper maintenance of which would be dangerous to life, health and property, except steam heating plants or systems.

Section II. DEFINING MASTER PLUMBER, JOURNEYMAN PLUMBER, MAINTENANCE PLUMBER OR AN APPRENTICE PLUMBER. A Master Plumber is hereby defined to be a person who assumes responsible charge and direction of others in the installation and maintenance of the functions as provided by the provisions of this act and is skilled in the planning and superintending of such matters and/or affairs.

A Journeyman Plumber is hereby defined to be a person who performs the functions of installing and maintaining in a proper condition under the direction of a Master Plumber all functions covered by the provisions of this act.

A Registered Maintenance Plumber is defined to be a person who maintains or repairs the functions as provided under the provisions of this act which was installed by a Journeyman Plumber under the supervision of a Master Plumber. A Maintenance Plumber under the provisions of his registration as provided by this act shall be permitted to maintain and repair the functions as provided by the provisions of this act in a structure or a group of structures

on one common premises where he or she is regularly employed as a Maintenance Plumber.

An Apprentice Plumber is hereby defined to be a person who is a citizen of the United States at least sixteen (16) years of age who may qualify and is engaged in learning to install and assist in the functions as defined in provisions of this act and who is employed under a written agreement with a registered Master Plumber properly signed by both parties to the agreement. It shall be illegal for any person, firm or corporation to employ an Apprentice Plumber to perform in this Commonwealth the functions of a Journeyman Plumber as set forth in this act.

Any person who assumes responsible charge and direction of other persons in the installation of plumbing and who employs for gain or reward any person not registered as provided under this act to perform the duties of a registered Master Plumber, Journeyman Plumber, Maintenance Plumber or an Apprentice shall be guilty of violating the provisions of this act and shall be punishable under the terms thereof. Provided, however, the provisions of this act shall not apply to persons employed by a public utility company, either privately or publicly owned or operated, in the laying, maintenance and operation of its water or gas mains and other appurtenances in the conduct of its business.

The Kentucky State Board of Plumbers as defined in Section III of this act shall have the power of supervision of all water, gases, sewerage, sewage disposal systems or all systems or structures designed to process food or substances for human consumption that are installed within this Commonwealth, except steam heating plants or systems.

Section III. For the purpose of carrying out and enforcing the provisions of this act, there is hereby established and created a Board of Examiners and Registration of Master Plumbers, Journeyman Plumbers, Maintenance Plumbers and Apprentice Plumbers. The Board shall consist of five (5) members and shall be known as "The Kentucky State Board of Plumbers."

Within thirty days after this act becomes a law, the Governor of this Commonwealth shall appoint five persons

as members of said Board, two of whom shall have been actively engaged in the plumbing business, as Master Plumbers, in the Commonwealth of Kentucky for not less than ten (10) years previous to their appointments and who have been citizens of this Commonwealth at least five (5) years immediately preceding such appointments; two of whom shall have been actively engaged in the plumbing business installing and repairing plumbing as Journeyman Plumbers in the Commonwealth of Kentucky for not less than ten (10) years previous to their appointments, and who have been citizens of this Commonwealth at least five (5) years immediately preceding such appointments; one of whom shall have been actively engaged in or working as a Maintenance Plumber as defined in this act for not less than ten (10) years previous to his appointment and who has been a citizen of this Commonwealth at least five (5) years immediately preceding such appointment.

The two persons to be appointed as the Master Plumber members of the Board shall be appointed by the Governor of this Commonwealth from a list of five (5) persons submitted by a recognized organization composed of Master Plumbers of this Commonwealth and having the largest membership thereof.

The two persons to be appointed as the Journeyman members of said Board shall be appointed by the Governor of this Commonwealth from a list of five (5) persons submitted by a recognized organization composed of Journeyman Plumbers of this Commonwealth and having the largest membership thereof.

One Master Plumber, member of said Board, and one Journeyman Plumber, member of said Board, shall be appointed for a term of two (2) years. One Master Plumber, member of said Board, one Journeyman Plumber, member of said Board, and the Maintenance Plumber, member of said Board, shall be appointed for a term of four (4) years, and thereafter as the term or terms of the members of said Board expire the Governor of this Commonwealth shall appoint from the holder or holders of Master Plumber Certificates, Journeyman Plumber certificates and Maintenance Plumber

certificates the successor or successors of the Master Plumber members, the Journeyman Plumber members and the Maintenance Plumber members. In the appointment of Master Plumber members of the Board the Governor shall appoint such Master Plumber members from a list of five names submitted by a recognized organization composed of Master Plumbers in this Commonwealth and having the largest membership thereof. In the appointment of the Journeyman Plumber members of said Board the Governor of this Commonwealth shall appoint such Journeyman Plumber members from a list of five names submitted by a recognized organization composed of Journeyman Plumbers in this Commonwealth and having the largest membership thereof. In the appointment of the Journeyman Plumber members of said Board the Governor of this Commonwealth shall appoint such Journeyman Plumber members from a list of five names submitted by a recognized organization composed of Journeyman Plumbers in this Commonwealth and having the largest membership thereof. The terms of said members so appointed shall be for a period of four years or until their successor or successors have been appointed and qualify.

The Governor of this Commonwealth shall have the power and authority to fill any vacancy occurring in the membership of said Board. If the vacancy or vacancies to be filled are those vacated by a Master Plumber member or members or a Journeyman Plumber member or members the Governor of this Commonwealth shall appoint to fill such vacancy or vacancies from a list of names as herein provided. The Governor shall have the power and authority to remove any member of the Board for cause, after due notice and a hearing thereon.

Section IV. THE ELECTION OF OFFICERS FOR A TERM. Within thirty days after the appointment of said Board, the members thereof shall hold a meeting and organize by the election of one of their members as Chairman of the Board. The Board shall elect a non-member of the Board, a Chief Plumber Inspector who shall have the qualifications either as a Master Plumber or a Journeyman Plumber as

defined under the terms of this act. The Chairman and the Chief Plumbing Inspector so elected shall hold such offices until the Tuesday after the first Monday in January, 1947, and the election of a Chairman of the Board and a Chief Plumbing Inspector thereafter shall be annually on the Tuesday after the first Monday in January.

The Board shall adopt a common seal for the authentication of its orders and records and establish and maintain an office at Frankfort Kentucky, or elsewhere in Kentucky. A majority of the members of the Board present in meetings legally assembled may perform and exercise all the duties and powers devolving upon the Board.

The Chief Plumbing Inspector shall act as Secretary of the Board and perform such other duties as are prescribed by the Board. The Chief Plumbing Inspector shall keep a record of all proceedings of the Board and within ten days after the close of every meeting of the Board will deposit with the State Treasurer of Kentucky all money collected, take his receipt therefor, and all money received by the Chief Plumbing Inspector at any and all times shall so be deposited. Said monies so deposited shall by the Treasurer or Finance Director of this Commonwealth be credited to the account of The Kentucky State Plumbing Board and shall be paid out by the Treasurer only on the order or voucher signed by the Chief Plumbing Inspector of the Board and countersigned by the Chairman of said Board. The Chief Plumbing Inspector of the Board shall execute a bond to the Commonwealth of Kentucky, approved by the Governor thereof, in the sum of ten thousand dollars ($10,000) to insure the faithful performance of his duties. The premium on such bond shall be a valid expense and shall be paid out of the funds to the credit of The Kentucky State Board of Plumbers.

The Chief Plumbing Inspector of the Board shall receive a salary not to exceed thirty-five hundred dollars ($3500) annually, payable in monthly installments, and shall be reimbursed for his necessary traveling expenses incurred and incident to the actual discharge of his or her duty, subject to such restrictions as is required of other officers of the Commonwealth as to traveling expenses.

Each member of the Board shall receive as compensation for actual attendance on legally assembled meetings of the Board ten dollars ($10) for each day such members attend as shown by the record and shall be reimbursed for necessary traveling expenses, said ten dollars ($10) attendance fees and traveling expenses to be paid only from The Kentucky State Board of Plumbers' fund as provided for herein. All traveling expenses shall be subject to the same restrictions as govern other officers of the Commonwealth as to traveling expenses.

Section V. The Kentucky State Board of Plumbers created under the provisions of this act shall not have the power to create any debt or incur any expense beyond the amount of the fund of the Board which shall consist of the fees collected as is provided under the terms of this act. Any balance of said fund at the expiration of any fiscal year shall remain as a credit to The Kentucky State Board of Plumbers.

Section VI. The Kentucky State Board of Plumbers shall have the power to issue and revoke certificates as herein provided, conduct and hold examinations as herein provided, to adopt all rules and regulations for conducting the examinations of applicants and governing the method and time for filing applications for examinations, and the time within which an applicant must be examined after his application has been filed, and shall have power to adopt all other rules and regulations not inconsistent herewith as may be necessary to carry into effect the objects and purposes of this act, and shall be required to notify all registrants as herein provided of all changes or adoptions of code, rules and regulations by mail, to address as found on the register, one month before such changes or adoptions become effective.

For the purpose of conducting examinations of persons to qualify as a registered Master Plumber, a registered Journeyman Plumber, a registered Maintenance Plumber or a registered Apprentice Plumber under the provisions of this act, The Kentucky State Board of Plumbers shall appoint as such examiners the following persons: the Chief Plumbing Inspector, the Assistant Chief Plumbing Inspector or Deputy State Plumbing Inspector in the jurisdiction where the

examinations occur as created herein and three (3) other persons, all of whom shall be registered under the provisions of this act, either as a Master Plumber or a registered Journeyman Plumber provided however, that one such person shall be a registered Master Plumber and one such person shall be a registerd Journeyman Plumber. All certificates of registration must carry the signatures of the Chairman of the Board and the Chief Plumbing Inspector.

For the purpose of defraying the expense of such examinations and other expenses incident to the administration and operation of this act, the following fees shall be paid to The Kentucky State Board of Plumbers:

(A) By an applicant for a certificate of registration for a Master Plumber, twenty-five dollars ($25.00).

(B) By an applicant for a certificate of registration for a Journeyman Plumber, fifteen dollars ($15.00).

(C) By an applicant for a certificate of registration for a Maintenance Plumber, ten dollars ($10.00).

(D) By an applicant for a certificate of registration for an Apprentice Plumber, one dollar ($1.00).

Any certificate of registration issued hereunder shall be valid for a period of one (1) year, unless revoked for cause; at the expiration of one (1) year, said certificate shall be null and void and must be renewed annually thereafter as herein stated.

The following shall be the fees payable to The Kentucky State Board of Plumbers for the renewal of registration certificates:

(A) By an applicant for annual renewal of a registered certificate for Master Plumber, twenty dollars ($20.00).

(B) By an applicant for annual renewal of registered certificate for Journeyman Plumber, ten dollars ($10.00).

(C) By an applicant for annual renewal of a registered certificate for Maintenance Plumber, five dollars ($5.00).

(D) By an applicant for annual renewal of a registered certificate for Apprentice Plumber, without any fee.

Renewal of registered certificate for Apprentice Plumber shall be issued without the payment of any fee or fees, how-

ever, applicant must comply in full with all other laws effective in the Commonwealth covering his apprenticeship.

All the above fees must accompany the application and no part of said fees shall be refunded.

An applicant failing to receive a certificate upon his first application or an applicant who fails to pass his first examination shall be entitled to enter any examination held within six (6) months from date of his failure to procure a certificate as provided in this act without payment of any additional fees.

Any person who comes within the definition of a Master Plumber, a Journeyman Plumber, a maintenance Plumber or an Apprentice Plumber as defined under the terms of this act shall comply with the provisions thereof relating to certificate of registration and shall for failure to secure the proper registration certificate be guilty of violating the provisions of this act and shall be punishable under the terms thereof.

Section VII. CODE AS TO INSTALLATION AND PROPER MAINTENANCE OF FUNCTIONS PROVIDED BY THE PROVISIONS OF THIS ACT, ETC., TO BE ADOPTED.

The Kentucky State Board of Plumbers for the purpose of carrying out the provisions of this act shall establish, adopt, promulgate and put into effect a code of rules regulating the installation, proper maintenance and supervision of all functions provided by the provisions of this act as defined in the definition of plumbing hereof, using as a minimum of such code of rules or regulations the basic principles of the code of rules or regulations which were recognized and in full force and effect by the State Board of Health of the Commonwealth of Kentucky in November, 1941.

Said code of rules or regulations governing the installation, maintenance and repairs of gas piping and appliance shall conform as a minimum to the standards as adopted and recognized as of 1941 by the public utilities which supply gas to the public generally, either privately or publicly operated, and doing business in this Commonwealth.

Section VIII. MATERIALS: KIND THAT CAN BE USED. The use of all unsafe and defective materials in work

as provided in this act are prohibited. Only the best known methods of installation and maintenance of materials, fixtures and appliances shall be used throughout the various phases of the work included in the provisions of this act.

It shall be unlawful to use any light lead bends, pipes, traps or cast iron soil pipes or fittings; said lead bends, pipes, traps or cast iron soil pipes and fittings must be extra heavy. There shall be only heavy cast brass ferrules of minimum length five inches (5'') and heavy cast brass solder nipples of proper length and design for wiping and making up, wiped to extra heavy lead with solder composed of pure lead and tin in the proper proportions for wiping (66/64) approximately.

Proper pipe sizes for all functions of the provisions of this act must be rigidly enforced.

No inferior grades of materials may be substituted for materials originally installed, in the course of maintenance and repair work.

It shall be unlawful to tap or break holes in pipes or fittings for the purpose of unstopping or cleaning same.

When pipes or fittings are rendered unfit for use under the provisions of this act, same must be replaced with materials conforming to the provisions of this act.

Section IX. The Kentucky State Board of Plumbers, upon application of any person who is a citizen of the United States and at least twenty-one (21) years of age shall issue a certificate as a registered Master Plumber, Journeyman Plumber or Maintenance Plumber without examination, to the following:

(a) Any person who furnishes proper evidence that he or she was known as a Master Plumber and practiced as a Master Plumber as his or her principal vocation within the Commonwealth of Kentucky at the time that this act became law, for at least five (5) years prior thereto and who applies for a certificate within six (6) months after the passage of this act and its approval by the Governor of this Commonwealth. Registration certificates shall be issued to individuals only.

(b) Any person who furnishes the proper evidence that he or she was known as a Journeyman Plumber and practiced

as his or her principal vocation in the Commonwealth of Kentucky at the time that this act became a law for at least five (5) years prior thereto and who applies for a certificate within six (6) months after the passage of this act and its approval by the Governor.

(c) Any person who furnishes the proper evidence that he or she holds a certificate or a license as a Journeyman Plumber as provided under the law of this Commonwealth and who applies for a certificate as a Journeyman Plumber within six (6) months after the passage of this act and its approval by the Governor.

(d) Any person who furnishes the proper evidence that he or she was known as a Maintenance Plumber and practiced as his or her principal vocation in the Commonwealth of Kentucky at the time that this act became a law for at least five (5) years prior thereto and who applies for a certificate within six (6) months after the passage of this act and its aproval by the Governor.

(e) An applicant not possessing the qualifications as herein set forth who desires to become a registered Master Plumber, a registered Journeyman Plumber or a registered Maintenance Plumber under the provisions of this act shall satisfactorily pass an examination to test the applicant's knowledge and qualifications as a registered Master Plumber, a registered Journeyman Plumber or a registered Maintenance Plumber, provided such applicant is a citizen of the United States and at least twenty-one (21) years of age and produces satisfactory evidence of his or her apprenticeship.

Certificates of registration must be issued bearing the signatures of the Chairman of the Board and Chief Plumbing Inspector.

(f) Any person at least sixteen (16) years of age who desires to become an Apprentice Plumber, who furnishes satisfactory evidence of his age, that he or she has completed the eighth grade in any public or recognized private or parochial school either in this Commonwealth or any State of the United States, and who is of good moral character, a citizen of the United States, who may qualify as defined in Section II

of this act, shall be issued a certificate or registration upon complying with the provisions of Section III of this act.

Section X. WHO MAY BE STYLED AS A REGISTERED MASTER PLUMBER, REGISTERED JOURNEYMAN PLUMBER, REGISTERED MAINTENANCE PLUMBER, OR A REGISTERED APPRENTICE PLUMBER.

Any person having a certificate of registration pursuant to the requirements of this act and keeps his registration in good standing may be styled or known as a registered Master Plumber, registered Journeyman Plumber, registered Maintenance Plumber or a registered Apprentice Plumber.

Section XI. NO PERSON SHALL ASSUME THE TITLE OF REGISTERED MASTER PLUMBER, REGISTERED JOURNEYMAN PLUMBER, REGISTERED MAINTENANCE PLUMBER OR A REGISTERED APPRENTICE PLUMBER.

No person, firm or corporation presumed to have the right to secure such certificate because of his or her use of the title "REGISTERED MASTER PLUMBER, REGISTERED JOURNEYMAN PLUMBER, REGISTERED MAINTENANCE PLUMBER OR APPRENTICE PLUMBER," prior to the time that this act goes into effect, shall assume any title indicating that he or she is a registered Master Plumber, registered Journeyman Plumber, registered Maintenance Plumber or a registered Apprentice Plumber, or any words, letters or figures to indicate that the person using them is a registered Master Plumber, a registered Journeyman Plumber, a registered Maintenance Plumber or a registered Apprentice Plumber unless he or she shall have qualified and obtained a certificate of registration as a Master Plumber, Journeyman Plumber, Maintenance Plumber or Apprentice Plumber, as provided in this act, or made application for examination which shall expire within six (6) months after the passage of this act and its approval by the Governor.

Section XII. A CORPORATION OR PARTNERSHIP OR AN INDIVIDUAL PRINCIPAL MAY ENGAGE IN

THE BUSINESS OR BUSINESSES COVERED AND DEFINED IN THIS ACT.

A corporation or a partnership or an individual principal may engage in the business or businesses defined in this act in this Commonwealth provided a person or persons connected with such corporation, partnership or individual principal in responsible charge of the functions covered and defined in this act is or are registered as herein required of a Master Plumber or is or are otherwise authorized to practice. The same exemptions shall apply to corporations or partnerships as apply to individuals under this act. It shall be the duty of any person who is registered as a Master Plumber who is in responsible charge of the functions provided in this act for a corporation, partnership or individual principal engaged in a business dealing with the functions as defined and provided in this act for such person or persons to notify The Kentucky State Board of Plumbers of the Commonwealth of Kentucky when such person or persons sever their connections with said corporation, partnership or individual principal.

Section XIII. MUNICIPALITIES ADOPTING CODE MAY APPOINT PLUMBING INSPECTORS AND DEPUTY PLUMBING INSPECTORS HAVING CONCURRENT JURISDICTION WITH EMPLOYEES OF THE PLUMBING INSPECTION OF THE KENTUCKY STATE BOARD OF PLUMBERS WHO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT.

Any municipality of the first, second, or third classes, in this Commonwealth which shall adopt the code of rules or regulations as adopted, promulgated and put into force by The Kentucky State Board of Plumbers of the Commonwealth of Kentucky and shall assist in the enforcement under the supervision of the Kentucky State Board of Plumbers of the Commonwealth of Kentucky as set forth in this act, through municipal ordinances to regulate the proper installation, maintenance and repair of functions as defined by the provisions of this act, shall have the right to appoint a Plumbing Inspector and Deputy Plumbing Inspectors who shall have concurrent jurisdiction within the boundaries of

the municipalities with employees of The Kentucky State Board of Plumbers in the enforcement of the provisions of this act. The person appointed as municipal Plumbing Inspector or Deputy Plumbing Inspector shall at the time of their appointment be either a registered Master Plumber or registered Journeyman Plumber under the provisions of this act.

Any municipal Plumbing Inspector or deputy municipal Plumbing Inspectors appointed for any municipality as provided under the provisions of this act shall have, within the boundaries of said municipality, full police powers to enforce the provisions of the plumbing ordinance thereof. Said municipal Plumbing Inspector and deputy municipal Plumbing Inspectors shall be required to furnish bonds as is required of other peace officers of this Commonwealth.

Any municipal Plumbing Inspector or deputy municipal Plumbing Inspector who fails to enforce the municipal ordinances relating to Plumbing within the boundaries of said municipality, or who fails to enforce all of the provisions of this act within the boundaries of said municipality or who has knowledge of a violation of the municipal ordinances relating to plumbing or the provisions of this act and fails to act thereon shall be subject to indictment for nonfeasance or malfeasance in office and upon conviction shall be fined not less than ONE HUNDRED DOLLARS ($100.00) or more than FIVE HUNDRED DOLLARS ($500.00). Any person so convicted shall have the right to appeal to the Court of Appeals of Kentucky.

No provisions of this act shall deprive the municipalities of this Commonwealth from collecting fees for the issuance of permits as provided in this act or fixture fees as provided in this act.

Section XIV. CHIEF STATE PLUMBING INSPECTOR, ASSISTANT STATE PLUMBING INSPECTOR AND DEPUTY STATE PLUMBING INSPECTOR: APPOINTMENT: QUALIFICATIONS: SALARIES.

For the purpose of enforcing the provisions of this act, The Kentucky State Board of Plumbers shall, in addition to a Chief State Plumbing Inspector, appoint an Assistant Chief

State Plumbing Inspector and as many Deputy State Plumbing Inspectors as may be necessary to enforce the provisions of this act, and such clerical and other assistance as may be necessary to administer the provisions of this act. The salaries as herein set forth shall be paid by the State Treasurer out of the fund to the credit of The Kentucky State Board of Plumbers as provided in this act.

The Assistant Chief Plumbing Inspector and Deputy State Plumbing Inspectors appointed hereunder shall be either registered Master Plumbers or registered Journeyman Plumbers, as provided under the provisions of this act.

Said Assistant Chief State Plumbing Inspector and Deputy State Plumbing Inspectors shall be required to furnish bonds as required of other peace officers of this Commonwealth.

The salary of the Assistant Chief Plumbing Inspector shall not exceed three thousand dollars ($3,000.00) per annum, payable in monthly installments.

The salary of the Deputy State Plumbing Inspectors shall not exceed twenty-five hundred dollors ($2500.00) per annum, payable in monthly installments.

The salaries of other persons employed by the Board except the Chief Plumbing Inspector, the Assistant Chief Plumbing Inspector and the Deputy Plumbing Inspectors provided for herein shall be fixed and determined by the Kentucky State Board of Plumbers. In the employment of any person or persons to enforce the provisions of this act, at the time of employment of such persons it shall be the duty of the members of the Board to explain that the payment or payments of any salary or salaries as herein provided can only be paid from the amount of amounts of money or monies derived from the fee or fees collected by The Kentucky State Board of Plumbers as provided under the provisions of this act.

Section XV. DUTIES OF CHIEF STATE PLUMBING INSPECTOR, ASSISTANT CHIEF STATE PLUMBING INSPECTOR AND DEPUTY STATE PLUMBING INSPECTORS.

It shall be the duty of the Chief State Plumbing Inspector, Assistant Chief State Plumbing Inspector and the Dep-

uty State Plumbing Inspectors to enforce all of the provisions of this act.

Any Chief State Plumbing Inspector, Assistant Chief State Plumbing Inspector or Deputy State Plumbing Inspector who fails to enforce the provisions of this act after receiving information of a violation thereof and who having knowledge of a violation of this act and failing to act thereon shall be subject to indictment for nonfeasance or malfeasance in office and upon conviction shall be fined not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00).

If such Chief State Plumbing Inspector, Assistant State Chief Plumbing Inspector or Deputy State Plumbing Inspector is indicted for nonfeasance or malfeasance in office, such person shall be suspended as the Chief State Plumbing Inspector, the Assistant Chief State Plumbing Inspector or Deputy State Plumbing Inspector during the time intervening between the indictment and its final disposition in the courts of this Commonwealth.

If any such Chief State Plumbing Inspector, Assistant Chief State Plumbing Inspector or Deputy State Plumbing Inspector on trial in a court of this Commonwealth charged with nonfeasance or malfeasance in office shall be convicted, said Chief State Plumbing Inspector, the Assistant Chief State Plumbing Inspector or the Deputy State Plumbing Inspector shall be removed or discharged from office.

Any Chief State Plumbing Inspector, Assistant Chief State Plumbing Inspector or Deputy State Plumbing Inspector during the time intervening between the time of indictment and its final disposition in the courts of competent jurisdiction of this Commonwealth found guilty of nonfeasance or malfeasance in office shall have the right to appeal such judgment of conviction to the Court of Appeals of Kentucky.

Section XVI. PROVISIONS OF THE ACT TO BE ENFORCED THROUGHOUT THE COMMONWEALTH OF KENTUCKY.

The provisions of this act shall be enforced, applied and in effect throughout counties containing cities of the first, second, and third classes of the Commonwealth of Kentucky.

Section XVII. PENALTIES FOR VIOLATING THE PROVISIONS OF THIS ACT.

Ony person, firm or corporation violating any of the provisions of this act shall be fined not less than ten dollars ($10.00) or more than one hundred dollars ($100.00) or imprisonment in the county jail for a period of not more than ninety (90) days or both fined and imprisoned in the discretion of the court or jury.

Section XVIII. POWER OF INSPECTION: RE-INSPECTION: CONDEMNATION.

The Chief State Plumbing Inspector, the Assistant Chief State Plumbing Inspector or Deputy State Plumbing Inspectors of The Kentucky State Board of Plumbers of the Commonwealth of Kentucky shall have the power to enter any property with construction after date of passage of this act whether private or public within the boundaries of the Commonwealth of Kentucky for the purposes of inspecting sanitary conditions and enforcement of the provisions of this act as provided and defined herein.

The Chief State Plumbing Inspector, the Assistant Chief State Plumbing Inspector or Deputy State Plumbing Inspectors shall have the power to condemn all unsafe installations and force the rectification of such to comply with the provisions of this act.

Any person, agent or owner refusing entrance of the Chief State Plumbing Inspector, the Assistant Chief State Plumbing Inspector or the Deputy State Plumbing Inspector for the purpose of the enforcement of the provisions of this act as herein provided and defined shall subject such properties to the immediate discontinuance of all WATER OR GAS SERVICE and all SEWAGE DISPOSAL SERVICE until the provisions of this act as herein provided and defined shall have been complied with.

Section XIX. PARTIAL INVALIDITY: EFFECTS OF.

If any clause, sentence, paragraph, section or part of this act shall for any reason, be judged by a court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder of this act, but shall be con-

fined in its effect to the clause, sentence, paragraph, section or part of the act directly involved in the controversy in which said judgment shall have been rendered.

Section XX. REPEALS.

All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

By Mr. Denney.

H. B. 497. An Act relating to the duties of the Division of Highway Patrol in connection with Chapters 186 and 187 of the KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be the duty of every police or patrol member of the Division of Highway Patrol to take up and deliver to the proper agency any motor vehicle operator's license certificate, motor vehicle registration receipt or motor vehicle registration plate that has been cancelled, revoked, suspended, denied or withdrawn under the provisions of Chapters 186 or 187 of the Kentucky Revised Statutes. At the written request of the Department of Revenue the chief officer of the Division of Highway Patrol shall cause a member or members of the patrol to do the acts required by this section.

By Mr. Denney.

H. B. 498. An Act relating to the tax on the use in this state of motor vehicles,

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.470 of the Kentucky Revised Statutes, 1944 edition, is amended to read as follows:

"There is expressly exempted from the tax imposed by KRS 138.460:

"(1) Motor vehicles sold to the United States, to this state, to any city or other political subdivision of this state, or to any charitable, religious or educational institution of this state."

"(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period."

"(3) A motor vehicle owned by a person while bona fide domiciled in another state but who is required by law to register the motor vehicle in this state as well as in the state of domicile and who in fact does have the motor vehicle registered in the state of domicile at the time the application is made for registration in this state. This subsection shall not exempt a motor vehicle owned by a corporation organized in this state or having a place of business in this state.

"(4) Motor vehicles of a common carrier or contract carrier upon which vehicle the tax imposed by KRS 281.480 or the mileage tax imposed by KRS 281.520, and a franchise tax is paid by the owner. The owner shall be required to exhibit the tax receipt for such taxes for the same or immediately preceding license period."

Section 2. (1) The exemptions provided in subsections (1), (3) and (4) of KRS 138.470 shall apply only for such period as the owner of the motor vehicle retains the status required for such exemption to be applicable.

(2) If the owner of a motor vehicle which is exempt by the provisions of subsections (1), (3) and (4) of KRS 138.470, transfers the motor vehicle to a person not so exempt, the provisions of subsection (2) of KRS 138.470 shall not apply. In such case, if the vehicle has been previously registered in this state, the tax imposed by KRS 138.460 shall be paid by the purchaser at the time he applies for a transfer of registration; if the vehicle has not been previously registered in this state the purchaser shall pay the tax at the time the vehicle is registered in this state.

By Mr. Denny.

H. B. 499. An Act relating to insurance of State lands and buildings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.160 KRS is amended to read as follows:

With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any building and its contents of which the total valuation has been fixed at over $500,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such building and its contents to $500,000, and during any fiscal year in which the State Fire and Tornado Insurance Fund amounts to less than $2,000,000 the Division of Insurance, with the approval of the Department of Finance, may reinsure any building and its contents of which the total valuation has been fixed at over $200,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such building and its contents to $200,000. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance.

Section 2. Section 56.180 KRS is amended to read as follows:

If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund equal or exceed two million dollars, the Division of Insurance shall certify to the State Treasurer a credit to each state agency having control or custody of state property. The credit shall operate to reduce the premium for the next fiscal year. The credit shall be calculated by taking the total amount of the premiums determined under KRS 56.090, subtracting from such premiums the total amount of the losses and damage debited against the fund and the total expenses debited against the said fund under KRS 56.150 and 56.160, and dividing the result by the total amount of premiums as determined under KRS 56.090. The credit shall be applied

equally against each premium debitable against each state agency having control or custody of state property, and shall revert to the account of that agency without prejudice as to its use.

By Mr. Stone.

H. B. 500. An Act relating to minimum resale prices for alcoholic beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 244.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) The contract referred to in KRS 244.380 shall provide for the following minimum resale prices without discount:

(a) Sale from distillers, rectifiers, blenders, producers, owners or anyone for them, to wholesalers, a minimum mark-up resale price without discount for wholesalers of not less than fifteen percent.

(b) Sale from vinters to wholesalers, a minimum mark-up resale price without discount for wholesalers of not less than twenty percent.

(c) Sale from wholesalers to retailers, a minimum mark-up resale price without discount for retailers of not less than thirty-three and one-third percent in less than case lots and not less than ten percent in units of one case or more.

(d) Sale from vinters, to other vinters, for processing, blending and bottling or bottling only or transfer from such vinters' warehouse to a bottling plant for bottling, a minimum mark-up resale price without discount for such bottling vinter of not less than ten percent.

By Messrs. Weining, Gilligan, and Coleman.

H. B. 501. An Act relating to the board of alderman in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 83.030 of the Kentucky Revised Statutes is amended to read as follows:

The legislative power of each city of the first class is vested in a legislative body of twelve members, known as the board of aldermen. Representation on the board of aldermen shall be equal and uniform, and for this purpose the board of aldermen shall lay off the city into twelve wards, as nearly equal as practicable in population, as ascertained by the most recent Federal census. One member of the board of aldermen shall be elected by the voters of each ward, the member elected from each ward to be a resident of that ward and to possess the other qualifications prescribed by KRS 83.040.

Ordered that said bills and resolutions be printed and referred.,

To the Committee on Rules.

A message was received from the Senate announcing that they had passed bills of the following titles, viz:

S. B. 17. An Act relating to the collection of school taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the

tax collector of the school district or districts for which he collects taxes. The district board of education may allow, for the collection of school taxes, a fee of not less than 1% nor more than 3% upon the first $50,000 collected, and not more than 1% upon the residue, which fee may be charged only for collecting or receiving school taxes or school funds received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case of an independent has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

S. B. 54. An Act relating to matrons of police courts, in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 26.610 of the Kentucky Revised Statutes is amended to read as follows:

(1) The police judge of every city of the first class shall appoint two court matrons for a term of two years, and until the qualification of their successors, and may remove them for good cause. The judge shall cause his reasons for removal to be entered in the minutes of his court. The judge may fill all vacancies occuring in the office of court matrons.

One matron shall be white and the other shall be of the colored race.

(3) The court matrons shall be women of good moral character, with experience and training in social work, and otherwise fully qualified to perform the duties of their office. They shall be twenty-one years of age or older.

(3) The court matrons shall investigate and report to the police judge upon the past histories, conditions of living, character, morals and habits of all women and girls awaiting trial in the police court, and shall exercise supervision of such women and girls while they are under suspended sentence until final disposition of the charges against them.

(4) The white court matron shall be paid out of the city treasury a salary of one hundred and twenty dollars per month, and the colored matron shall be paid out of the city treasury a salary of one hundred and twenty dollars per month, and they shall be allowed, subject to the approval of the police judge, all necessary expenses incidental to investigation of cases.

§ 2. WHEREAS, the existing conditions in cities of the first class are such as to immediately require the services of an additional police court matron in such cities, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. 173. An Act relating to confinement of prisoners when not working, and providing for credit allowed on fine.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 441.190 of the Kentucky Revised Satutes is amended to read as follows:

When not worked, or if no work can be had, and if not sent to the workhouse, the prisoner shall remain in jail until the imprisonment is satisfied and the fine and costs are paid. The prisoner shall receive a credit of two dollars, towards payment of the fine and costs, for each day he remains in jail, and may pay or replevy his fine and costs at any time.

In paying or replevying the fine or costs, the prisoner shall receive a credit of two dollars for each day he remained in jail.

S. B. 175. An Act providing for the payment by cities of the second class of medical and hospital bills incurred by any city employee who becomes disabled while engaged in the performance of duty.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There may be paid from the general fund of cities all necessary and reasonable medical and hospital expenses incurred by any city employee who becomes totally or partially disabled physically or mentally as a result of an injury received by him or her while engaged in the performance of duty.

S. B. 198. An Act relating to cities of the first class; amending Sec. 93.120 KRS.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 93.120 of the Kentucky Revised Statutes is hereby amended and as amended reads:

(1) The Department of Public Works may lease and receive the rentals from any portion of the wharf property not, at the time, needed for wharf purposes. All leases shall provide for their cancellation, upon such notice as is stipulated therein, whenever the property leased is, in the judgment of the Director of Works, required for wharf purposes, subject to the approval of the Mayor, and any such leases may provide that they may be so cancelled only upon payment by the city to the lessee of the then fair value of any improvements erected on the land of the city by the lessee and then existing, whereupon such improvements become the property of the city, and shall be conveyed to it by the lessee. Such fair value shall be based upon prudent original cost less depreciation and obsolescense.

(2) All monies received from wharves, landings and leases shall be paid into the Department of Public Finance of the city at the end of each week, and placed by the Director of Finance to the credit of wharves.

(3) The salaries and expense of operating the wharves and landings shall be paid out of this fund. The net revenue derived from wharves, landings and leases shall be placed by the Director of Finance annually to the credit of the general purposes fund.

S. B. 202. An Act relating to Supervisor of parents for counties having a population of 200,000 or more.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 405.130 of the Kentucky Revised Statutes is amended to read as follows:

The salary of the Supervisor shall be three thousand six hundred ($3,600.00) Dollars per annum, payable out of the County Treasury in equal monthly installments.

S. Res. 44. Resolution requesting lighting of the rotunda of the New State Capitol Building.

Said resolution is as follows, viz:

S. Res. 44. A Concurrent Resolution requesting lighting of the Rotunda of the New State Capitol Building.

WHEREAS, the lighting in the rotunda of the New Capitol is so inadequate and improperly distributed as to distort the features of the fine statues therein, and

WHEREAS, the thousands of visitors to the rotunda are prevented by the said lighting from gaining a true impression of the artistry in the statuary and of the beauty and magnificence of the rotunda, and

WHEREAS, the cost of installing and properly placing adequate lighting would entail only a nominal expenditure, and

WHEREAS, interested persons over a long period of time have been unable to induce persons in authority to act, now therefore

BE IT RESOLVED by the Senate of Kentucky, the House of Representatives concurring therein:

That the Governor of the Commonwealth be and he is hereby requested to order proper lighting installed in the rotunda of the New Capitol Building at the earliest possible time.

Ordered that said bills be printed.

Ordered that said bills and resolution be referred to the Committee on Rules.

Mr. Myers offered the following resolution, viz:

H. Res. 104. Whereas, the Honorable Emory G. Dent performed civic services for the State of Kentucky at a financial sacrifice to himself, and

Whereas, he resided in the City of Bowling Green but conducted business in Allen, Simpson, and Warren Counties and participated in the affairs of all of said counties for their welfare, and

Whereas, it is the desire of the citizens of Bowling Green and of the citizens of the Counties of Warren, Allen and Simpson that his name be perpetuated on some project, and

Whereas, he died at his residence in Warren County, Kentucky, in the year 1945, and

Whereas, he caused to be erected across Barren River on 31W near the city limits of the City of Bowling Green, a new bridge, now therefore,

Be It Resolved by the House of Representatives, the Senate concurring therein, that the bridge across Barren River on 31W, near the city limits of Bowling Green, be and the same is hereby declared to be the Emroy G. Dent Memorial Bridge and the Department of Highways of the Commonwealth of Kentucky shall cause to be erected at each ap-

proach of said bridge a bronze plaque naming the same after Emory G. Dent and in the following language:

THE EMORY G. DENT MEMORIAL BRIDGE

Erected and named after him the appreciation of his public service to the Commonwealth of Kentucky.

This resolution shall become effective upon its passage by the House, its concurrence by the Senate and the signature or approval, as provided by law, of the Governor of the Commonwealth.

Said resolution was adopted.

Mr. Whitlow moved that a bill entitled:

H. B. 278. An Act relating to County School Superintendents.

Be made a Special Order of the Day, for tomorrow, March 5, at two o'clock p. m.

Without objection, said motion was withdrawn by Mr. Whitlow.

Mr. Phillips moved that a bill entitled:

H. B. 370. An Act relating to sheriffs; amending and reenacting Sections 64.090 and 70.030 KRS.

Which was reported by the Committee on Ways and Means on March 1, with the expression of opinion that said bill ought not to pass.

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in affirmative were—

C. W. Anderson	R. M. Hall	J. C. Newcomb
Roy W. Arnold	C. L. Hammonds	Thos. A. Noe
F. O. Baker	Harold G. Helm	Sylvester Phillips
Harold L. Barnes	Maurice Howard	E. F. Prichard
Ott Begley	J. J. Huff	Hobart Rayburn
W. G. Biggers	Ira W. Hulette	Wade H. Riley
Jack Bingham	L. H. Jones	Luther Slusher
B. K. Brantley	B. F. Kincaid	W. R. Smith
John Y. Brown	G. O. Kirkpatrick	E. A. Spencer
W. K. Coleman	Edgar Kitchen	Paul J. Stapleton
Fred Creasey	H. K. Lowman	Geo. W. Steinford
L. A. Demumbrun	E. J. Lucas	L. S. Stephens
E. R. Denny	E. H. Martin	C. W. Taylor
G. I. Drury	W. E. McClure	Ray G. Tipton
Forest C. Easley	Jack McPherron	Walter L. Trivette
Bernie S. Edlin	Harry L. Moore	Lyle H. Webb
Eck Embry	J. L. Moore	W. W. Webster
A. H. Eversole	J. Lee Moore	Morris Weintraub
Henry J. Giles	Joe T. Morgan	Lawrence Wells
Tom Gilliam	E. C. Mullins	Rodney Whitlow
M. B. Gilligan	Rodes K. Myers	John Wilborn
Otto W. Goff		—64

Those who voted in the negative were—

F. H. Bassett, Jr.	Jerry F. Howell	J. W. Simmons
B. J. Bonn	Kerby Jennings	Forrest Smith
Mrs. Mary Burnett	A. L. Love	E. L. Thompson
Chas. W. Burnley	Louis T. Peniston	E. N. Todd
Adron Doran	L. W. Preston	S. J. Wagner
E. R. Hilton	Kelse H. Risner	Harry F. Walters
Clyde S. Howard	Amos Runyan	—20

Thereupon said bill was read at length the first time and ordered placed on the Calendar.

Mr. Jennings of the Committee heretofore appointed by the Speaker to hold public hearings relative to the state of unimproved rural roads, made the following report to the House, which was ordered spread upon the Journal, viz:

The special committee established for the purpose of holding public hearings relative to the state of unimproved roads in the state of Kentucky, submit the following resume, conclusions, and recommendations:

Approximately 900 delegates representing 50 per cent of the counties in the State, appeared before the committee. These persons composed for the most part popularly elective officials and administrative appointees of city and state governments. The minority represented civic organizations, mining interests, industry, farm organizations and private citizens.

The delegations were in agreement upon certain conditions of the country roads in the State.

1. The rural road system and the country road system are deteriorating and rapidly becoming impassable.
2. Funds appropriated under the rural road program are insufficient to maintain existing roads and bridges.
3. Funds appropriated under the rural road program made impossible further extension of improved type of roads.
4. The rural road problem is Kentucky's No. 1 obstacle to general improvement.
5. The present arrangements for improving Kentucky's mud roads are unsatisfactory.
6. Tax revenues are being denied the State because of unimproved roads.
7. All farming activities are being hindered in development.
8. Mining and exploration are substantially being reduced.
9. Rural churches and rural cemeteries are being hindered in their activities.
10. Dairy interest, both from farm and industrial viewpoints, is being curtailed.
11. Educational opportunity is being denied to untold thousands of Kentucky children.
12. General emigration from the mud road districts to districts served by higher type road systems and also to urban areas is occuring.

13. Mail routes are being discontinued and services being impaired.

14. The cultural development of the State is actually on decline in rural areas.

15. Medical aid to the ill is being denied and an unnecessary heavy toll of death is exacted from the rural people.

Ninety per cent of the delegations spokesmen were in agreement on the following:

1. That fiscal courts should have more jurisdiction over the expenditure of the rural highway funds.

2. That the state and county should inaugurate a general graveling and maintenance program as the No. 1 priority.

3. That the rural highway department should provide county authorities more detailed information regarding expenditures of rural road funds in their respective counties.

4. That the cooperation of the rural highway department and the county authorities be in greater harmony.

5. That the rural people of the state would submit to any reasonable tax program which would make passable the county roads of the State.

Based upon the reports of the community leaders in the counties of the Commonwealth of Kentucky, the committee makes the following recommendations:

1. That the Kentucky Legislature correct, so far as is legislatively possible, lack of coordination between the rural highway department and county governments.

2. Increase five-fold the present rural road fund, or from two million to 10 million dollars.

3. Impose a two cent gasoline tax channeled for the use of rural roads.

4. Legislate any and all laws to eliminate politics from the country road building program, both county and state.

5. Create a three-man planning commission, composed of one member representing the highway department, one from the county governments, and one selected from the General Assembly, to work out a five-year plan to get Kentucky out of the mud.

6. Instruct the committee to file a detailed report of the findings of the hearings with the Kentucky Law Library and the University of Kentucky General Library for future study and reference.

7. That this report be spread upon the minutes of the Journal.

Committee appointed under provisions of H. Res. 68 to be known as Fact-Finding Committee on Unimproved Roads:

Kerby Jennings, Chairman
J. L. Moore
E. L. Thompson
Joe Morgan
Homer Losey
W. W. Webster
E. N. Todd
Frank Marquette
Walter Trivette
John Wilburn
Luther Slusher
E. C. Mullins
L. A. Demumbrun
Maurice Howard
L. S. Stephens

Mrs. Burnett moved that the Rules of this House be suspended for the purpose of making a Committee Report.

Said motion was agreed to.

Thereupon Mrs. Burnett of the Committee on Juvenile Courts and Children's Home, to which the same had been referred, reported a bill entitled:

H. B. 421. An Act relating to trial and commitment of juveniles.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 242. An Act relating to armories.

H. B. 46. An Act relating to alcoholic beverages.

H. B. 450. An Act relating to elections.

H. B. 400. An Act authorizing certain persons to condemn land and rights of way for the purpose of securing a water supply and necessary facilities pertaining thereto.

H. B. 388. An Act recognizing and establishing the boundary line between the counties of Barren, Hart and Edmonson.

H. B. 65. An Act relating to coin operated mechanical musical devices.

With a Committee amendment thereto.

S. B. 125. An Act increasing the salary of the Associate Commissioner of Revenue.

H. B. 116. An Act relating to revenue and taxation.

With a Committee amendment thereto by way of Substitute therefor, and with Committee amendments to said Substitutes.

S. B. 15. An Act relating to county police forces.

S. B. 134. An Act relating to free public Libraries in cities of the first class.

S. B. 135. An Act creating an independent school district in any county where a city and county children's home

has been established and is being maintained under KRS Chapter 201.

S. B. 133. An Act relating to bridges in cities of the first class.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length having been dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Weintraub moved that the Rules of this House be suspended for the purpose of introducing a bill.

Said motion was agreed to.

Thereupon, Mr. Weintraub offered a bill of the following title, viz:

H. B. 502. An Act amending KRS relating to purgation for primary elections in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assemby of the Commonwealth of Kentucky:

§ 1. Subsection (4) of Section 117.520 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(4) Each investigator provided for in this section shall receive for his services a sum not exceeding ten dollars per precinct, to be paid by the fiscal court of the county when the amount due is certified by the chairman of the county board of registration and purgation as is provided for in KRS 117.430.

§ 2. Subsection (3) of Section 117.530 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(3) Each investigator provided for in this section shall be paid by the board such compensation, not exceeding ten dollars per precinct, as the board shall determine.

Ordered that said bill be printed and referred.

To the Committee on Rules.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills and a resolution of the following titles, viz:

H. Res. 27. Resolution authorizing Iva Fannin, by her next friend, to sue the Commonwealth.

H. B. 257. An Act relating to divorces.

H. B. 92. An Act relating to the issuance of revenue bonds for market places by cities of the third class.

H. B. 130. An Act relating to deadly weapons.

Thereupon all other business was suspended, said bills and resolution were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills and resolution to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills and resolution, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up consideration from the Orders of the Day, a bill entitled:

H. B. 301. An Act relating to the State Fair Board.

With Committee amendments thereto.

Said bill is as follows, viz:

Be it enacted by the General Assemby of the Commonwealth of Kentucky:

§ 1. Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

STATE FAIR BOARD; MEMBERS.

(1) The State Fair Board shall be composed of ten members, as follows:

(a) The Governor;

(b) The Commissioner;

(c) The Dean of the College of Agriculture of the University of Kentucky;

(d) The Director of the Division of Vocational Education and Rehabilitation of the Department of Education; and

(e) Six members appointed from the State at large by the Governor as provided in this section, not more than one of whom shall be from any one appellate court district.

(2) Each two years, as the terms of two of the present six appointed members of the board expire, the Governor shall, in the manner provided, select and appoint for terms of six years each, two successor members to those whose terms then expire. One such member to be so appointed each two years by the Governor shall be appointed from a list of three nominees submitted to the Governor by the Board of Directors of the Kentucky Farm Bureau Federation, and the other member so appointed shall not be of the same political affiliation as the appointee selected from the list submitted by the Kentucky Farm Bureau Federation, it being the intention hereof that of the six members so appointed by the Governor three shall be appointed from each of the two political parties poll the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same

required qualifications as the person who theretofore held such office.

§ 2. Section 247.100 of the Kentucky Revised Statutes is amended to read as follows:

CORPORATE POWERS OF FAIR BOARD; RECORD OF MEETINGS.

(1) The State Fair Board shall be a body corporate with the usual corporate powers, and shall require a complete record to be kept of all its meetings.

(2) A quorum of the board shall consist of five members, and a majority of those present at any meeting of the board may act for the board upon any matter which may legally come before such meeting.

§ 3. Section 247.110 of the Kentucky Revised Statutes is amended to read as follows:

OFFICERS OF FAIR BOARD.

The State Fair Board shall elect from among such members as the Governor shall appoint a president, a vice-president, and a treasurer. The manager provided for in KRS 247.130 shall be ex-officio secretary to the board.

§ 4. Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

MANAGER, EMPLOYES AND AGENTS.

(1) The State Fair Board shall appoint a manager who shall not be one of their number. The manager shall be appointed on the basis of training, ability and experience. The manager shall hold his position during the pleasure of the board, but may be removed only by an affirmative vote of six members of the board. The manager shall be responsible for the administration of the policies set by the board, shall devote his entire time and attention to the performance of such duties and work as may be required of him by law or be assigned to him by the board, and shall receive such salary, fixed on an annual basis, as the board may determine.

(2) The manager may organize such administrative divisions as may be necessary and may designate chiefs of

such divisions who, under his control and supervision, shall have the duties of direction of such divisions. The manager may employ such other employes and agents as he deems necessary for the carrying out of the policies of the board and to conduct the affairs of the State Fair, and may fix the duties and compensation of any employes or agents with the approval of the board.

(3) The board may require the manager and any employe or agent to give bond for the faithful performance of their duties, and may pay the premium on any such bond.

(4) The manager, employes and agents provided for in this section shall not be subject to the provisions of KRS 42.110 or 32.120.

§ 5. Subsection (2) of Section 247.140 of the Kentucky Revised Statutes is amended to read as follows:

(2) The State Fair Board may take, acquire and hold property, and all interests therein, by deed, gift, devise, bequest, lease or eminent domain, and may dispose of any property so acquired in the manner provided by law. In the exercise of its power of eminent domain it may proceed in the manner provided in KRS 416.115 or in the manner provided in KRS 416.120.

Said Committee amendments are as follows, viz.:

1. Amend H. B. 301 on page 2, section 1 (2) lines 15 to 27 by striking out lines 15 through 27, being the present subsec. (2) of Section 1, and inserting in lieu thereof the following:

(2) Each two years, or as the terms of two of the present six appointed members of the board expire, the Governor shall, in the manner provided, select and appoint for terms of six years each, two successor members to those whose terms then expire. One member of the first group of two successor members to be so appointed each two years by the Governor shall be appointed from a list of six nominees submitted to the Governor by the board of directions of the Kentucky Farm Bureau Federation; one member of the second group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky Purebred Livestock Associa-

tion; and one member of the third such group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association. The other members of each group of two successor members so appointed shall not be of the same political affiliation as the appointee selected from the nominees submitted by the named organizations, it being the intention hereof that of the six members so appointed by the Governor three shall be appointed from each of the two political parties polling the largest number of votes in the state at general election.

2. Amend H. B. 301 on page 1, section 1, lines 10, 11 and 12 by striking out lines 10 and 11, and by changing "(e)" in line 12 to "(d)".

3. Amend H. B. 301 on page 3, section 3, lines 5 and 6 by striking out lines 5 and 6 on page 3, and substituting in lieu thereof the following:

Governor shall appoint a president and a vice-president. The manager provided for in KRS 247.130 shall be ex-officio secretary and treasurer.

4. Amend H. B. 301 on page 4 by adding at the end of Section 5 of the printed bill, the following:

Whereas, it will be necessary to immediately plan for the coming Kentucky State Fair, and to administer the many affairs of the State Fair Board, an emergency is declared to exist, and this bill shall become effective upon its passage by the general Assembly and approval by the Governor.

5. Amend H. B. 301 on page 2, section 1, lines 13 and 14 by striking out the words "not more than one of whom shall be from any one appellate court district" and substitute in lieu thereof the following:

with due consideration to geographical distribution throughout the State.

6. Amend H. B. 301 on page 1, section 1, line 4 by striking out the word "ten" and substituting in lieu thereof the word "nine."

Said amendments were each and severally agreed to.

Mr. Hammonds moved that the vote by which Committee amendment No. 3 was agreed to, be reconsidered.

Said motion was disagreed to.

Mr. Hammonds offered the following amendment to said bill, viz:

Amend H. B. 301 by striking from page 3, lines 4 and 5 the following words:

"The State Fair Board shall elect from among such members as the Governor shall appoint a president, a vice-president and a treasurer."

And inserting in lieu thereof the following words:

"The State Fair Board shall elect from its members a president and a vice-president. The State Fair Board shall elect a treasurer."

The Speaker ruled that said amendment was not in order inasmuch as it attempted to amend the same section and line as amended by Committee Amendment No. 3.

Mr. J. Lee Moore moved the Previous Question.

Thereupon, the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	Clyde S. Howard	L. W. Preston
Roy W. Arnold	Jerry F. Howell	E. F. Prichard
F. O. Baker	Ira W. Hulette	Wade H. Riley
Harold L. Barnes	Kerby Jennings	Kelse H. Risner
F. H. Bassett, Jr.	Paul Jonas	Amos Runyan
W. G. Biggers	B. F. Kincaid	J. W. Simmons
B. J. Bonn	G. O. Kirkpatrick	Luther Slusher
J. C. Bradley	Edgar Kitchen	Forrest Smith
John Y. Brown	A. L. Love	W. R. Smith
Mrs. Mary Burnett	H. K. Lowman	E. A. Spencer
Chas. W. Burnley	E. J. Lucas	Paul J. Stapleton
W. K. Coleman	E. H. Martin	Ralph G. Stone
Fred Creasey	W. E. McClure	E. L. Thompson
S. J. Daugherty	Jack McPherron	E. N. Todd
Adron Doran	Harry L. Moore	Walter L. Trivette
G. I. Drury	J. L. Moore	S. J. Wagner
Forest C. Easley	J. Lee Moore	Harry F. Walters
Henry J. Giles	E. C. Mullins	W. W. Webster
Tom Gilliam	Rodes K. Myers	Geo. J. Weining
M. B. Gilligan	J. C. Newcomb	Morris Weintraub
Otto W. Goff	Thos. A. Noe	Rodney Whitlow
R. M. Hall	Joe E. Nunn	John Wilborn
E. R. Hilton	Louis T. Peniston	—68

Those who voted in the negative were—

Ott Begley	C. L. Hammonds	Joe T. Morgan
Jack Bingham	Harold G. Helm	Sylvester Phillips
L. A. Demumbrun	Maurice Howard	Hobart Rayburn
E. R. Denny	J. J. Huff	L. S. Stephens
Bernie S. Edlin	L. H. Jones	Lyle H. Webb
Eck Embry	Homer E. Losey	Lawrence Wells
A. H. Eversole		—19

Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the Rules of this House be suspended and that the House take up for immediate consideration from its place in the Orders of the Day, a bill entitled:

S. B. 143. An Act to amend Chapter 342 KRS, relating to workmen's compensation.

Said motion was agreed to.

Thereupon the House took up for consideration said bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 342.005 of the Kentucky Revised Statutes be and the same is hereby amended and reenacted so that the same, when amended and reenacted shall read as follows:

§ 342.005 (1) The term "employer" as used in this chapter shall mean and include an individual, partnership, association, corporation or other legal entity, including the legal representatives of a deceased employer, and a receiver or trustee of an individual, partnership, association or corporation or other legal entity. This chapter shall apply to all employers having three or more employees regularly engaged in the same occupation or business, and to their employees, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States: Provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employees for a personal injury sustained by the employee by accident arising out of and in the course of his employment, or for death resulting from such accidental injury; provided, however, that personal injury by accident as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident, nor shall it include the results

of a pre-existing disease but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air", and also shall include injuries or death due to the inhalation of any kind of gas and to the disease of silicosis.

(2) a. Every employer subject to the provisions of this chapter, and who is engaged in a business or occupation which, by the terms of subsection (3) hereof is defined as "hazardous employment," shall secure, provide and pay compensation to his employees or their dependents under the provisions of this chapter for any personal injury sustained by any of his employees by accident arising out of and in the course of his employment, or for death resulting from such accidental injury.

b. Every employer engaged in a business or occupation defined as "hazardous employment" shall insure and keep insured his liability for said compensation in the manner and under the provisions of subsection (1) of section 342.340 of the Kentucky Revised Statutes, and every such employer shall at the time of becoming subject to the provisions hereof file with the board in substantially the form prescribed by it, and annually thereafter, or as often as the board may deem it necessary, evidence of his compliance with the provisions of this subsection (2) and of subsection (1) of said section 342.340, and all others relating thereto.

c. Where at the time of an injury to an employee the employer of "hazardous employment" has complied with the provisions of sebsection (2) of section 342.005 and subsection (1) of 342.340 of the Kentucky Revised Statutes for the payment of compensation under the provisions of this chapter for a personal injury, received by an employee by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two (2) years thereafter, and the employee has accepted compensation under the provisions of this chapter, the employer shall be liable to provide and pay compensation under the provisions of this chapter and shall, except as provided in subsection (2) of section 342.015 and in section 342.170 of the Kentucky Revised Statutes, be released from all other liabilities.

d. Should any such employer fail to comply with the provisions of this subsection (2) or with any of the provisions of subsection (1) of said section 342.340 then such employer shall not, in any suit at law by an employee or his representative for personal injury or death by accident arrising out of and in the course of his employment be permitted to defend any such suit at law upon the defenses that the employee was guilty of contributory negligence, that the injury was caused by the negligence of a fellow servant of the injured employee and that the employee has assumed the risk of injury, or upon any of said defenses; and in addition thereto such an employer shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than one year, or both. Failure of an employer after imposition of the foregoing penalty, to provide for the payment of compensation under this chapter after notice by the board to such employer to do so, shall, as to each such notice be deemed a further violation in respect thereof and the same penalty shall be imposed. If such employer is a corporation, the president or treasurer, or both, shall be liable for such penalty.

e. Every employer subject to the provisions of this subsection (2) shall post and keep posted a notice in such form and in such manner and at such places as the board shall require, stating the fact as to whether or not the employer has provided compensation under the provisions of said subsection in behalf of his employees and stating also that it is optional with his employees to accept compensation as provided for in this chapter, as well as any other matter which the board may deem necessary to that the employee may be advised of his rights relating to the matter of compensation. Any such employer who knowingly violates the provisions hereof or who knowingly posts or keeps posted any notice which states that the employer has provided compensation for his employees when such is not the fact shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) or by imprisonment for a period of not less than thirty days nor more than one year, or both.

f. The provisions of this chapter contained in other sections thereof shall be applicable to an employer engaged in a business or occupation herein defined as "hazardous employment", except those provisions of section 342.405 relating to the employer, and the provisions of subsection (2) of section 342.340, subsection (1) of section 342.015, and sections 342.390 and 342.410 of the Kentucky Revised Statutes shall not be applicable to any such employer.

(3) The term "hazardous employment" shall mean and include:

a. All work in or about quarries and mines of all kinds and all operations incidental thereto or connected therewith;

b. All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive;

c. The erection or demolition of any bridge, building or structure in which there is, or in which the plans and specifications require iron or steel frame work;

d. The operation of all elevators, elevating machinery or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure;

e. All work on ladders or scaffolds of any kind elevated twenty (20) feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used;

f. All work of construction, operation, alteration or repair where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current.

g. All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes;

h. All work in the construction and repair of tunnels, subways, dams, and viaducts;

i. All work in mills, shops, works, yards, plants and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

(4) Any employer subject to the provisions of this chapter, but not subject to the provisions of subsection (2) of this section, may elect to operate under this chapter under the provisions of section 342.390 of the Kentucky Revised Statutes; and any employers and employees who are by the provisions of this section excepted from the provisions of this chapter, including employers having less than three employees, may subject themselves thereto by joint, voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

§ 2. That there shall be added to chapter 342 of the Kentucky Revised Statutes a new section to be designated as section 342.995 which, when enacted, shall read as follows:

§ 342.995 The provisions of this act or chapter shall be construed to be severable; and if any of said provisions are held unconstitutional or otherwise invalid, such invalidity shall not affect the operation of the remaining portions thereof. If any of the provisions of section 342.005 of this chapter, shall be held unconstitutional or otherwise invalid, all elections by employers made prior to the passage of this act shall be construed as being in full force and effect to the same extent as though said invalid provisions had not been enacted. Should the provisions of this act be held unconstitutional or otherwise invalid, the period of time intervening between the occurance of injury to an employe or his death and the determination of invalidity or unconstitutionality shall not be computed as a part of the time limited by law for the commencement of any action relating to such injuries or death; but the amount of any compensation which may have been paid on account of such injury or death shall be deducted from damages recovered on account of such injury or death.

Mr. Brown offered the following amendments to said bill, viz.:

1. Amend S. B. 143 in House on page 4, sec. 1 line 77 by inserting, immediately preceding the word "accept" in line 77, the words "elect to"

2. Amend S. B. 143 in House on page 3, sec. 1 lines 50 and 51 by striking the words "the employe has accepted compensation under the provisions of this chapter" and inserting in lieu thereof the following:

"the employe has elected to operate under this chapter as provided in Section 342.395 of the Kentucky Revised Statutes."

Said amendments were each agreed to.

Mr. Brown moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	Otto W. Goff
F. O. Baker	Fred Creasey	R. M. Hall
Harold L. Barnes	S. J. Daugherty	C. L. Hammonds
F. H. Bassett, Jr.	L. A. Demumbrun	Harold G. Helm
Ott Begley	E. R. Denny	E. R. Hilton
W. G. Biggers	Adron Doran	Clyde S. Howard
Jack Bingham	G. I. Drury	Maurice Howard
B. J. Bonn	Forest C. Easley	Jerry F. Howell
J. C. Bradley	Bernie S. Edlin	J. J. Huff
B. K. Brantley	Eck Embry	Ira W. Hulette
John Y. Brown	Henry J. Giles	Kerby Jennings
Mrs. Mary Burnett	Tom Gilliam	Paul Jonas
Chas. W. Burnley	M. B. Gilligan	L. H. Jones

B. F. Kincaid	J. C. Newcomb	Geo. W. Steinford
G. O. Kirkpatrick	Thos. A. Noe	L. S. Stephens
Edgar Kitchen	Joe E. Nunn	Ralph G. Stone
Homer E. Losey	Louis T. Peniston	E. L. Thompson
A. L. Love	Sylvester Phillips	Ray G. Tipton
H. K. Lowman	L. W. Preston	E. N. Todd
E. J. Lucas	E. F. Prichard	Walter L. Trivette
E. H. Martin	Hobart Rayburn	S. J. Wagner
W. E. McClure	Wade H. Riley	Lyle H. Webb
Jack McPherron	Amos Runyan	W. W. Webster
Harry L. Moore	J. W. Simmons	Geo. J. Weining
J. L. Moore	Luther Slusher	Morris Weintraub
J. Lee Moore	Forrest Smith	Lawrence Wells
Joe T. Morgan	W. R. Smith	Rodney Whitlow
E. C. Mullins	E. A. Spencer	John Wilborn
Rodes K. Myers	Paul J. Stapleton	—86

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 201. An Act providing for financial responsibility and proof of ability to respond in damages by employers who do not elect to operate under KRS Chapter 342, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions. Wherever used in this Act, the word 'Board' means Workmen's Compensation Board; the word 'damage' or 'damages' means damages to any employee or his representative for personal injury or death by accident arising out of and in the course of his employment.

Section 2. Every employer to whom Chapter 342 of the Kentucky Revised Statutes relating to Workmen's Compensation applies, excepting departments of state government, municipal corporations and any subdivision or corporation thereof, and every employer who, although exempt from the provisions thereof, has subjected himself thereto, shall, if he does not elect to operate under said Chapter, before he operates or continues to operate or do business within the Commonwealth of Kentucky, or employ, engage, or hire employees to work within or without the Commonwealth of Kentucky, furnish and give proof of his ability to respond in damages to any employee or his representative for personal injury or death by accident arising out of and in the course of his employment.

Section 3. Proof of ability to respond in damages may be made by an employer by either of the following methods:

(a) by the certificate of the Board that the employer named has deposited with the Board a sum of money or securities approved by it in the proper amount specified in Section 4 hereof. The Board shall accept such deposits and issue a receipt for them;

(b) by the certificate of any insurer or surety company authorized to do business within the state, that it has issued to the employer and for the benefit of his employees, a liability policy of insurance guaranteeing the payment of the proper amount specified in Section 4 hereof. The policy of insurance shall be absolute, shall be deposited with the Board, and shall not be cancelled by the insurer or the employer until after at least 60 days to the Board, and shall continue in full force and effect until the date of cancellation specified in the notice, unless it expires before that date. The form of the policy shall be approved by the Board, and shall provide that any final judgment obtained for damages against the employer shall, if not paid by the employer within 30 days, be paid within ten (10) days by the insurer or surety company.

Section 4. The sum of money or securities mentioned in Section 3 (a) hereof, and the liability policy of insurance

mentioned in Section 3 (b) shall be of sufficient amount and sum to respond in damages as follows:

(a) up to five employees, the sum of at least $15,000.00 for any one employee injured or killed, with a maximum of $35,000.00 for more than one employee injured or killed as the result of one accident;

(b) up to 25 employees, the sum of at least $15,000.00 for any one employee injured or killed, with a maximum of $50,000.00 for more than one employee injured or killed as the result of one accident;

(c) up to 50 employees, the sum of at least $15,000.00 for any one employee injured or killed, with a maximum of $75,000.00 for more than one employee injured or killed as the result of one accident;

(d) up to 100 employees, the sum of at least $15,000.00 for any one employee injured or killed, with a maximum of $100,000.00 for more than one employee injured or killed as the result of one accident;

(e) up to 500 employees, the sum of at least $15,000.00 for any one employee injured or killed, with a maximum of $150,000.000 for more than on eemployee injured or killed as the result of one accident;

(f) over 500 employees, the sum of at least $15,000.00 for any one employee injured or killed, with a maximum of $250,000.00 for more than one employee injured or killed as the result of one accident.

Section 5. Whenever any proof of ability to respond in damages no longer fulfils the purposes for which it is required, the Board shall require other and additional evidence of such ability to respond; provided, however, that without demand and simultaneous with the payment of any damages the employer shall at all times file with the Board the proof required under Section 3 hereof, or such additional proof so as to maintain same, so that the proof of ability to pay shall at all times be in the proper amount applicable and as is set forth in Section 4 hereof.

Section 6. Upon the cessation of operations, doing business, or employing, hiring or engaging of employees by the employer, the monies and securities deposited with the Board

shall be returned to the employer by the Board, or in the event a liability policy of insurance has been issued, said policy shall be returned by the Board to the employer, who may cancel same; provided, however, that prior to the return of such monies and securities, and the return and cancellation of any such liability policy of insurance, the Board shall satisfy itself by sufficient and positive proof that all claims or judgments for damages which are then pending, or which could be made, have been fully paid.

Section 7. All monies and securities held by the Board shall be used exclusively for the payment and satisfaction of claims and judgments for damages, and shall be used for no other purpose.

Section 8. The Board shall have the power and authority to prescribe reasonable rules and regulations for the proper enforcement of this Act, and may require any employer to submit information to it so as to enable it to carry out and enforce the provisions of this Act, and for that purpose the Board or its agents may examine and inspect the books and records of the employer.

Section 9. Any employer doing, or seeking to do business within the Commonwealth of Kentucky in violation of this Act shall be enjoined from so doing by any Court of competent jurisdiction by the filing of an action by the Board or by any resident of the Commonwealth Kentucky, without the consent or authorization of the Attorney General or the Commonwealth's Attorney. In any action brought by a resident, the resident shall, if successful, be awarded the costs of the action, including a reasonable attorney's fee to be fixed by the Court. The action may be brought either in the Franklin Circuit Court or in the Circuit Court of the County in which the employer is doing, or is seeking to do business.

Section 10. Any employer, or any officer or agent of a corporation violating this act shall be subject to a fine of not less than $1000.00 nor more than $10,000.00, and imprisonment for not less than one (1) year nor more than five (5) years. If the employer is a corporation it shall be subject only to the fine herein imposed.

Mr. Weintraub offered the following amendment thereto by way of Substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1—That every employer now or hereafter doing business in this Commonwealth who regularly employs three or more persons in a hazardous occupation and who is not excepted from the application of the provisions of the Workmen's Compensation Act (Chapter 342, Kentucky Revised Statutes) but fails to elect to operate thereunder, or having so elected withdraws such election shall file with the Commissioner of Industrial Relations, within thirty (30) days after this Act becomes effective or such employment is begun or such previous election is withdrawn a good and sufficient security, indemnity bond or insurance policy issued by a surety or insurance company or other insurance carrier authorized to transact such business in this State, which shall insure the payment of any final judgment of a court of competent jurisdiction obtained against such an employer by an employee or his personal representative for damages resulting from injuries to the person or death of such employee, by accident arising out of and in the course of his employment. The bond or policy shall contain such terms and shall be in such penal sum or maximum amount as the Director or said department shall deem necessary, taking into consideration the solvency of the employer, the number of employees and the hazard of the employment in which they are engaged for the reasonable protection of such judgment creditors in the collection of the amounts adjudged to be due them.

It shall be a condition of such security, indemnity bond or insurance policy that the obligor will promptly pay such judgments to the persons entitled thereto. Such security, indemnity bond and insurance policy shall be renewed annually or when the first and succeeding bonds or policies expire or are terminated, or when the protection afforded by the bonds or security has been so diminished by reasons of judgments covered thereby so as to render the same inadequate.

SECTION 2—The amount and terms of such security or bond shall be determined by the Commissioner upon reasonable notice and opportunity for hearing. Any person, firm or corporation affected by such security or bond may, within forty (40) days after a final order or determination by the Commissioner requiring or fixing such security or bond, or refusing to require same, bring an action in the Franklin Circuit Court to modify or set aside such order or determination of the Commissioner.

The Court shall hear the cause and enter judgment affirming, modifying or setting aside the order or determination of the Commissioner or may, in its discretion, in advance of judgment remand the cause to the Commissioner for further proceedings consistent with the direction of the Court.

Either party to the action may, within forty (40) days after the entry of a final judgment by the Circuit Court, appeal to the Court of Appeals, and the appeal, when filed in the office of the Clerk of the Court of Appeals, shall be docketed and advanced in the same manner as in Commonwealth cases.

SECTION 3—"Employer" shall mean and include individuals, partnerships, voluntary associations, and private corporations.

"Hazardous occupations" shall mean and include:

(1) All work in and about quarries and mines of all kinds;

(2) All work in the construction and repair of tunnels, subways, and viaducts;

(3) All work when making, using, or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive;

(4) The erection or demolition of any bridge, building or structure;

(5) The operation of all elevators, elevating machines, or derricks, or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure;

(6) All work on ladders or scaffolds of any kind elevated twenty feet or more above the ground, water, or floor beneath, in the erection, construction, repair, painting, or alteration of any building, bridge, or structure, or other work in which the same are used;

(7) All work of construction, operation, alteration, or repair where wires, cables, switchboards or other apparatus or machinery are in use charged with electrical current;

(8) All work in the construction, alteration or repair of pole lines for telegraph, telephone or other purposes;

(9) All work in mills, shops, works, yards, plants and factories where steam, electricity or any other mechanical power is used to operate machinery and appliances in and about such premises;

(10) All other employments not heretofore enumerated carried on by any employer in which there are engaged or employed three or more workmen or operatives regularly, in the same business or in or about the same establishment, either upon the premises or at the plant or away from the plant of the employer, under any contract of hire, express or implied, oral or written, except farm laborers, domestic servants, clerks, stenographers, and professional assistants engaged wholly in office work.

SECTION 4—Any employer who shall wilfully violate any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 nor more than $500, and each day's operation in violation of this act shall constitute a separate offense, and such employer shall be enjoined from continuing such violations at the suit of the Attorney General in an action instituted by him in the Franklin Circuit Court, on which jurisdiction to try such action is hereby conferred.

SECTION 5—Should any requirement or provision of this Act be held invalid, such invalidity shall not affect the validity of any other requirement or provision therein contained.

Mr. Weintraub moved that said Substitute be adopted.

Mr. Eversole moved that said motion be laid on the table.

Said last named motion was disagreed to.

The yeas and nays being taken thereon were as follows,

Those who voted in the affirmative were—

Roy W. Arnold	A. H. Eversole	Wade H. Riley
L. A. Demumbrun	G. O. Kirkpatrick	C. W. Taylor

—6

Those who voted in the negative were—

F. O. Baker	Clyde S. Howard	Sylvester Phillips
Harold L. Barnes	Maurice Howard	L. W. Preston
F. H. Bassett, Jr.	Jerry F. Howell	E. F. Prichard
Ott Begley	J. J. Huff	Kelse H. Risner
W. G. Biggers	Ira W. Hulette	Amos Runyan
Jack Bingham	Kerby Jennings	J. W. Simmons
B. J. Bonn	Paul Jonas	Luther Slusher
J. C. Bradley	B. F. Kincaid	Forrest Smith
John Y. Brown	Edgar Kitchen	W. R. Smith
Mrs. Mary Burnett	Homer E. Losey	E. A. Spencer
Chas. W. Burnley	A. L. Love	Geo. W. Steinford
W. K. Coleman	H. K. Lowman	L. S. Stephens
Fred Creasey	E. H. Martin	Ralph G. Stone
S. J. Daugherty	W. E. McClure	E. L. Thompson
E. R. Denny	Harry L. Moore	Ray G. Tipton
G. I. Drury	J. L. Moore	E. N. Todd
Forest C. Easley	J. Lee Moore	Walter L. Trivette
Bernie S. Edlin	E. C. Mullins	S. J. Wagner
Henry J. Giles	Rodes K. Myers	Lyle H. Webb
Tom Gilliam	J. C. Newcomb	W. W. Webster
M. B. Gilligan	Thos. A. Noe	Geo. J. Weining
Otto W. Goff	Joe E. Nunn	Morris Weintraub
E. R. Hilton	Louis T. Peniston	Lawrence Wells

—69

The Speaker ruled that the adoption of the Substitute would have the same effect as the adoption of the Previous Question, in that it would prevent amendment of the Substitute.

Mr. Weintraub then withdrew, without objection, his motion for the adoption of the Substitute.

Mr. Wagner offered the following amendment to the Substitute.

Amend Substitute for H. B. 201 on page 4, sec. 1 line 34 after the word "servants" and before the word "clerks" by adding the following words "sales people and store clerks."

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Jerry F. Howell	Kelse H. Risner
Harold L. Barnes	J. J. Huff	Luther Slusher
F. H. Bassett, Jr.	Ira W. Hulette	Forrest Smith
Ott Begley	Kerby Jennings	W. R. Smith
W. G. Biggers	Paul Jonas	E. A. Spencer
B. J. Bonn	B. F. Kincaid	Paul J. Stapleton
J. C. Bradley	Homer E. Losey	Geo. W. Steinford
John Y. Brown	A. L. Love	L. S. Stephens
Mrs. Mary Burnett	H. K. Lowman	Ralph G. Stone
Chas. W. Burnley	E. H. Martin	E. L. Thompson
W. K. Coleman	W. E. McClure	Ray G. Tipton
Fred Creasey	Jack McPherron	E. N. Todd
S. J. Daugherty	Harry L. Moore	Walter L. Trivette
G. I. Drury	J. L. Moore	S. J. Wagner
Bernie S. Edlin	J. Lee Moore	Harry F. Walters
Henry J. Giles	Rodes K. Myers	W. W. Webster
Tom Gilliam	J. C. Newcomb	Geo. J. Weining
M. B. Gilligan	Thos. A. Noe	Morris Weintraub
Otto W. Goff	Louis T. Peniston	Lawrence Wells
R. M. Hall	L. W. Preston	Rodney Whitlow
E. R. Hilton	E. F. Prichard	John Wilborn
Maurice Howard		—64

Those who voted in the negative were—

Forest C. Easley	G. O. Kirkpatrick	Wade H. Riley
A. H. Eversole	Joe T. Morgan	C. W. Taylor

—6

Resolved that the title thereof be as amended.

Mr. Weintraub moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 313. An Act relating to the fiscal year of cities other than the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.020 of the Kentucky Revised Statutes is amended to read as follows:

92.020. FISCAL YEAR OF CITIES OTHER THAN THE FIRST CLASS. The fiscal year of cities other than the First Class shall begin on the following dates:

(1) In Cities of the Second Class, January 1st; provided, however, the City Legislative Body may designate June 1st as the beginning date.

(2) In Cities of the Third Class, June 1st.

(3) In Cities of the Fourth, Fifth and Sixth Classes, January 1st.

Section 2. Whereas the classification of at least one of the cities of the Second Class has only recently been changed from that of a City of the Third Class and the conduct of its fiscal affairs and necessary governmental and administrative functions are now being retarded by existing charter provisions concerning its fiscal year, and the welfare of the public

thus affected, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
B. J. Bonn
J. C. Bradley
B. K. Brantley
Chas. W. Burnley
Alex. H. Calvert
W. K. Coleman
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
G. I. Drury
Forest C. Easley
Eck Embry
A. H. Eversole
Henry J. Giles
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
A. L. Love
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. Lee Moore
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Thos. A. Noe
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
L. S. Stephens
Ralph G. Stone
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn

—77

Resolved that the title thereof be as aforesaid.

Mr. Gilliam moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced the personnel of the Committee on Rules, as follows, viz.:

Harry Lee Waterfield, Chairman
F. O. Baker
Frank H. Bassett, Jr.
John Y. Brown
Charles W. Burnley
Adron Doran
Henry J. Giles
Michael B. Gilligan
Jerry F. Howell
R. M. Hall
E. R. Hilton
C. L. Hammonds
Clyde S. Howard
Maurice G. Howard
Harold G. Helm
Paul S. Jonas
Homer Losey
Harry K. Lowman
Ed Marcum
J. Lee Moore
Leonard W. Preston
Edward F. Prichard
Kelse Risner
Amos Runyon
Ralph G. Stone
C. W. Taylor
Harry F. Walters

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, MARCH 5, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend W. B. Campbell of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	C. L. Hammonds	Joe E. Nunn
Roy W. Arnold	Harold G. Helm	Louis T. Peniston
F. O. Baker	E. R. Hilton	Sylvester Phillips
Harold L. Barnes	Clyde S. Howard	L. W. Preston
F. H. Bassett, Jr.	Maurice Howard	E. F. Prichard
Ott Begley	Jerry F. Howell	Hobart Rayburn
W. G. Biggers	J. J. Huff	Wade H. Riley
Jack Bingham	Ira W. Hulette	Kelse H. Risner
B. J. Bonn	W. H. Hunt	Amos Runyan
J. C. Bradley	Kerby Jennings	J. W. Simmons
B. K. Brantley	Paul Jonas	Luther Slusher
John Y. Brown	L. H. Jones	Forrest Smith
Mrs. Mary Burnett	B. F. Kincaid	W. R. Smith
Chas. W. Burnley	G. O. Kirkpatrick	E. A. Spencer
W. K. Coleman	Edgar Kitchen	Paul J. Stapleton
Fred Creasey	Homer E. Losey	Geo. W. Steinford
S. J. Daugherty	A. L. Love	L. S. Stephens
L. A. Demumbrun	H. K. Lowman	Ralph G. Stone
E. R. Denny	E. J. Lucas	C. W. Taylor
Adron Doran	E. H. Martin	E. L. Thompson
G. I. Drury	W. E. McClure	Ray G. Tipton
Forest C. Easley	Jack McPherron	E. N. Todd
Bernie S. Edlin	Harry L. Moore	Walter L. Trivette
Eck Embry	J. L. Moore	S. J. Wagner
R. R. Ernst	J. Lee Moore	Harry F. Walters
A. H. Eversole	Fred Morgan	Lyle H. Webb
Henry J. Giles	Joe T. Morgan	W. W. Webster
Tom Gilliam	E. C. Mullins	Morris Weintraub
M. B. Gilligan	Rodes K. Myers	Rodney Whitlow
Otto W. Goff	J. C. Newcomb	John Wilborn
R. M. Hall	Thos. A. Noe	Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Howell moved that the privilege of the floor be extended to Miss Joan Stephens.

Said motion was agreed to.

Mr. Howell of the Committee on Rules to which the same had been referred, reported bills and resolutions of the following titles, viz.:

H. B. 1. An Act relating to revenue and taxation.

H. B. 7. An Act relating to tax on race tracks.

H. B. 9. An Act relating to State Motor Vehicles usage tax.

H. B. 11. An Act relating to revenue and taxation.

H. B. 15. An Act relating to maximum limits on ad valorem taxes.

H. B. 17. An Act relating to escheat of real estate, title to which is conveyed or devised to charitable, religious or educational institutions.

H. B. 21. An Act relating to pay for jurors.

H. B. 27. An Act relating to pay of elections officers.

H. B. 32. An Act relating to taxes on utilities gross receipts.

H. B. 34. An Act relating to civil service employes of cities of the second class.

H. B. 38. An Act relating to inheritance tax.

H. B. 40. An Act relating to oil and gas royalties.

H. B. 43. An Act relating to sanitation districts.

H. B. 45. An Act relating to sanitation districts.

H. B. 51. An Act relating to water districts.

H. B. 52. An Act relating to water districts.

H. B. 61. An Act relating to divorce.

H. B. 63. An Act relating to Game and Fish.

H. B. 68. An Act relating to stenographers salaries taking down evidence in juvenile court sessions.

H. B. 71. An Act relating to game and fish—changing open seasons, etc.

H. B. 77. An Act to provide that local peace officers, appointed by Governor shall be paid by the person who applies for their appointment, etc.

H. B. 79. An Act relating to State Colleges.

H. B. 83. An Act relating to contests of elections.

H. B. 84. An Act relating to tax on bank deposits.

H. B. 85. An Act providing exemption by refund of tax on fuel or gasoline used in farm tractors, etc.

H. B. 91. An Act abolishing the Legislative Council.

H. B. 105. An Act concerning railroads, regulating the operation of trains, engines, motors, etc.

H. B. 106. An Act relating to tax on sale of admission to places of amusement or entertainment.

H. B. 112. An Act relating to war veterans.

H. B. 113. An Act relating to revenue and taxation.

H. B. 125. An Act relating to primary elections.

H. B. 129. An Act relating to veterans' Division of De-

partment of Military Affairs, with particular reference to personnel of Kentucky Disabled Ex-Service Men's Board.

H. B. 132. An Act relating to execution of death sentence.

H. B. 133. An Act relating to minimum fair wages for women and minors.

H. B. 134. An Act to prohibit discrimination and intimidation on account of race or color in employment.

H. B. 136. An Act relating to the exemption of personal property of intested of widow and infant children.

H. B. 137. An Act relating to Game and Fish.

H. B. 139. An Act repealing Sec. 138.450 KRS.

H. B. 141. An Act providing for appointment and removal of Deputy Constables in county containing 200,000 or more.

H. B. 144. An Act relating to workmen's compensation, etc.

H. B. 146. An Act relating to motor carriers.

H. B. 147. An Act relating to cities of the sixth class.

H. B. 148. An Act providing a bonus of $500 to Kentucky War Veterans.

H. B. 153. An Act imposing a tax on the production of natural gas.

H. B. 154. An Act relating to real estate brokers and salesmen.

H. B. 155. An Act to exclude from gross income the Military pay of members of the armed forces.

H. B. 157. An Act relating to alcoholic beverages.

H. B. 162. An Act relating to Game and Fish.

H. B. 164. An Act relating to tax on distilled spirits and alcohol.

H. B. 169. An Act relating to alcoholic beverages.

H. B. 173. An Act relating to motor vehicles operating as common carriers of passengers for hire.

H. B. 174. An Act relating to pensions for members of fire and police departments in cities of the second class.

H. B. 175. An Act requiring cities of the 1st class to keep a record of all tax bills and special assessments for public improvement in office of county clerk or sheriff.

H. B. 177. An Act requiring cities of 1st class to file in office of Court Clerk a map of said city.

H. B. 183. An Act relating to expenses of electors.

H. B. 185. An Act relating to the preference to be given veterans or veterans' widows in state positions.

H. B. 186. An Act imposing a tax on gasoline.

H. B. 188. An Act relating to Revenue and Taxation.

H. B. 189. An Act relating to rural highway funds.

H. B. 191. An Act relating to enforcement of the law concerning carrying of concealed weapons.

H. B. 190. An Act relating to workmen's compensation.

H. B. 195. An Act authorizing building loans to make loans at variable rates of interest.

H. B. 198. An Act providing for exemption of municipal, county, and state taxes on personal and real property of any person who served in the armed forces.

H. B. 204. An Act relating to places of entertainment as defined in KRS 231.010.

H. B. 205. An Act relating to surveyors.

H. B. 215. An Act imposing an export tax on whiskey.

H. B. 216. An Act relating to tax on sale of admission to places of amusement.

H. B. 220. An Act relating to barber and beauty specialists.

H. B. 221. An Act relating to drainage commissioners, etc.

H. B. 228. An Act relating to Kentucky Aeronautics Commission.

H. B. 231. An Act relating to the sale and purchase of motor vehicles.

H. B. 234. An Act relating to medical scholarships.

H. B. 235. An Act permitting a stenographer for county judge in certain counties.

H. B. 244. An Act relating to coin operated machines.

H. B. 246. An Act appropriating money out of the General Expenditure Fund for public assistance, etc.

H. B. 250. An Act relating to fees of jailers.

H. B. 254. An Act providing for censorship of motion picture films.

H. B. 255. An Act relating to coroners in counties containing cities of first class.

H. B. 256. An Act relating to coroners in counties having a population of 200,000 or more.

H. B. 261. An Act prohibiting the removal by the Governor of any officer appointed by him during said officer's term.

H. B. 264. An Act relating to record books for sheriffs.

H. B. 267. An Act relating to revenue and taxation.

H. B. 268. An Act relating to the condemnation of real property by counties.

H. B. 269. An Act relating to the operation of vehicles upon city streets.

H. B. 271. An Act relating to unemployment compensation.

H. B. 272. An Act relating to Department of Business Regulation.

H. B. 273. An Act relating to the expenditure of sums appropriated by state for construction and maintenance of county roads and bridges.

H. B. 274. An Act constituting the Attorney General Chief Justice of Court of Appeals, Chairman of Statutes Revision, conferring certain powers on such commissions, etc.

H. B. 279. An Act relating to highways.

H. B. 280. An Act relating to attachments or levies upon shares of stock, etc.

H. B. 281. An Act establishing and creating the Banking Board of Kentucky.

H. B. 283. An Act relating to services for the blind.

H. B. 284. An Act relating to unemployment compensation.

H. B. 286. An Act relating to admission to the practice of law.

H. B. 289. An Act relating to public libraries.

H. B. 290. An Act relating to corporations.

H. B. 295. An Act relating to jury commissioners.

H. B. 298. An Act relating to county law libraries.

H. B. 302. An Act providing for restoration and use as State Museum of Old Governor's Mansion.

H. B. 304. An Act pertaining to motor carriers.

H. B. 305. An Act imposing tax on the production of coal.

H. B. 308. An Act relating to inheritance tax.

H. B. 311. An Act relating to soil conservation.

H. B. 314. An Act relating to revenue and taxation.

H. B. 316. An Act relating to free public libraries for cities of the first class.

H. B. 318. An Act authorizing any county in which there is located a city of the first class to make contracts for the joint acquisition, etc. of a city for county government building.

H. B. 319. An Act relating to city and county boards of health.

H. B. 320. An Act creating an independent school district in any county where a city and county children's home is established.

H. B. 323. An Act providing for a State Highway Commission and setting forth Commission's powers and duties.

H. B. 326. An Act relating to Department of Highways and the State Highway Commission.

H. B. 327. An Act relating to statutes and codes furnished to Circuit Judges.

H. B. 328. An Act relating to abandonment of a child sixteen, etc.

H. B. 330. An Act relating to wash rooms.

H. B. 335. An Act relating to sodomy and buggery.

H. B. 337. An Act relating to Kentucky Railroad Commission.

H. B. 338. An Act relating to motor carriers, etc.

H. B. 339. An Act relating to bread and flour.

H. B. 340. An Act relating to peremptory challenges allowed defendants.

H. B. 342. An Act authorizing the fiscal courts of counties to purchase forests and to expend funds out of county tax levy into Forestry Fund.

H. B. 343. An Act relating to investment of the funds of domestic life insurance companies.

H. B. 345. An Act authorizing the imposition by cities and counties of an excise tax upon use, sale or distribution of distilled spirits.

H. B. 347. An Act regulating licensing of manufacturers —wholesalers of foods and drugs.

H. B. 348. An Act relating to practical nurses.

H. B. 353. An Act relating to traffic regulation and equipment of vehicles.

H. B. 355. An Act providing for refund on tax paid on motor fuels used by aircraft.

H. B. 357. An Act relating to admission to the bar.

H. B. 358. An Act relating to the appointment of personal representatives, etc.

H. B. 365. An Act relating to the financial responsibility of owners and operators of motor vehicles.

H. B. 368. An Act authorizing fiscal courts to establish a land building fund out of county tax levy.

H. B. 372. An Act relating to fraudulent obtaining of merchandise.

H. B. 373. An Act relating to tobacco warehouses and providing uniform warehouse charges.

H. B. 374. An Act relating to notaries public.

H. B. 376. An Act relating to the license tax on dogs.

H. B. 377. An Act relating to sewers and drains in first class cities.

H. B. 384. An Act relating to fees and compensation of reporters of Circuit Courts, etc.

H. B. 391. An Act relating to registration of voters.

H. B. 392. An Act relating to Assistant Attorney General for Alcohol Beverage Control.

H. B. 393. An Act relating to licenses for malt beverages.

H. B. 398. An Act relating to implied warrenties.

H. B. 401. An Act relating to revenue and taxation.

H. B. 403. An Act relating to elections.

H. B. 407. An Act relating to water districts.

H. B. 408. An Act providing for a judiciary building—making an appropriation therefor.

H. B. 414. An Act relating to State Fair Board.

H. B. 415. An Act providing for stenographers for Commonwealth Attorney.

H. B. 424. An Act imposing a tax on production of coal.

H. B. 425. An Act relating to canvass and certification of voters.

H. B. 429. An Act relating to veterans division of Department of Military Affairs.

H. B. 430. An Act relating to payment of fee to attorney appointed by current court to represent defendants without funds.

H. B. 431. An Act relating to public works and improvements on special assessment plan.

H. B. 434. An Act relating to fish ladders.

H. B. 435. An Act relating to facilities for the transportation of school children.

H. B. 436. An Act relating to fireworks.

H. B. 437. An Act relating to revenue and taxation.

H. B. 440. An Act relating to the mining and producing of vituminous coal.

H. B. 442. An Act relating to Sunday movies.

H. B. 443. An Act relating to State Fair Grounds.

H. B. 444. An Act authorizing fiscal courts in counties containing city of second class to pay stenographers of county judge not less than $2400 per year.

H. B. 445. An Act relating to commitment of persons to U. S. Public Health Service, etc.

H. B. 449. An Act relating to devices operated by coin or token.

H. B. 451. An Act relating to commonwealth's attorneys.

H. B. 453. An Act relating to collection of school taxes.

H. B. 454. An Act relating to marriage.

H. B. 455. An Act to provide for general welfare and health, efficiency, etc. of the people of the Commonwealth.

H. B. 456. An Act relating to rural roads and making an appropriation therefor.

H. B. 457. An Act relating to property subject to ad valorem taxes.

H. B. 458. An Act relating to capital outlay.

H. B. 459. An Act regulating the strip mining of coal, etc.

H. B. 460. An Act appropriating money out of the General Expenditure Fund in State Treasury for paying certain claims.

H. B. 463. An Act relating to traps.

H. B. 464. An Act relating to administration of alcoholic beverages control and local option law.

H. B. 465. An Act relating to revenue and taxation.

H. B. 466. An Act relating to revenue and taxation.

H. B. 467. An Act relating to assessment and registration of motor vehicles.

H. B. 468. An Act relating to money paid under federal flood control.

H. B. 469. An Act authorizing public project, etc.

H. B. 470. An Act to authorize representatives of Department of Industrial Relations to serve subpoenas.

H. B. 471. An Act relating to unsafe working conditions.

H. B. 473. An Act relating to cities of the fifth class.

H. B. 474. An Act providing for a refund tax paid on gasoline used in publicly owned school buses.

H. B. 475. An Act relating to revenue and taxation.

H. B. 476. An Act amending Sec. 247.155 KRS.

H. B. 477. An Act providing for a supplemental appropriation to Secretary of State.

H. B. 478. An Act relating to public works in cities.

H. B. 479. An Act relating to municipal hospitals.

H. B. 480. An Act providing for licensing of persons engaged in practice of veterinary medicine.

H. B. 481. An Act relating to motor vehicles.

H. B. 482. An Act relating to selection and adoption of textbooks.

H. B. 483. An Act relating to Game and Fish.

H. B. 484. An Act to prohibit discrimination because of sex in payment of wages.

H. B. 485. An Act relating to aviation.

H. B. 486. An Act relating to licensing of motor vehicle operators.

H. B. 487. An Act relating to mining and production of bituminous coal.

H. B. 488. An Act relating to claims against a decedent's estate.

H. B. 489. An Act relating to the disposal of dead animals.

H. B. 490. An Act relating to disposal of carcasses of dead animals within corporate limits of cities.

H. B. 491. An Act to provide for construction in third class cities of memorials in honor of soldiers, sailors, etc.

H. B. 492. An Act relating to the practice of optometry.

H. B. 493. An Act relating to industrial life insurance.

H. B. 494. An Act relating to elections, with reference to registration and voting of absent voters.

H. B. 495. An Act relating to the adoption of persons.

H. B. 496. An Act relating to plumbing.

H. B. 497. An Act relating to duties of the Division of Highway Patrol.

H. B. 498. An Act relating to tax on use of motor vehicles.

H. B. 499. An Act relating to insurance of state lands and buildings.

H. B. 500. An Act relating to the minimum resale prices of alcoholic beverages.

H. B. 501. An Act relating to board of aldermen in cities of the first class.

H. B. 502. An Act relating to purgation for primary elections in cities of the first class.

H. Res. 29. Resolution relating to Kentucky State Fair.

H. Res. 30. Resolution authorizing refund of money to Mrs. Helen Rice, Greenville, Kentucky.

H. Res. 52. Resolution authorizing personal representative of Gerald Dalton Troutman to sue the Commonwealth.

H. Res. 57. Resolution authorizing George Grasle to sue the Commonwealth.

H. Res. 71. Resolution appropriating money for payment of claim to G. M. Knuckles.

H. Res. 73. Resolution authorizing Harry Savage to sue the Commonwealth.

H. Res. 76. Resolution relative to the celebration of Wilderness Road.

H. Res. 79. Resolution appropriating the sum of $320 to pay claim of Franklin Circuit Court.

H. Res. 80. Resolution authorizing Hays Foster to sue the Commonwealth.

H. Res. 81. Resolution appropriating $1792.69 to Department of Military Affairs.

H. Res. 82. Resolution authorizing payment of witness claim to Cundiff Brothers, Somerset.

H. Res. 83. Resolution petitioning Congress to restore benefits for non-service connected disabilities.

H. Rest. 84. Resolution authorizing Morrison B. Smith to sue the Commonwealth.

H. Res. 86. Resolution authorizing Chester Wright to sue the Commonwealth.

H. Res. 87. Resolution authorizing Mrs. Clyde Smith to sue the Commonwealth.

H. Res. 88. Resolution authorizing Floyd Siry to sue the Commonwealth.

H. Res. 89. Resolution authorizing Stephen Sheanshang to sue the Commonwealth.

H. Res. 93. Resolution authorizing Commissioner of Finance to pay Billie Dixon, etc.

H. Res. 94. Resolution authorizing John L. Harris to sue the Commonwealth.

H. Res. 95. Resolution relating to establishment of boundary line between counties of Barren, Hart and Edmonson.

H. Res. 96. Resolution providing for payment to Milton T. Whitworth, Commonwealth's attorney.

H. Res. 97. Resolution authorizing payment of claim against the Commonwealth to the Kister Company.

H. Res. 98. Resolution authorizing Z. F. Bloodworth to practice as a veterinarian.

H. Res. 99. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

H. Res. 100. Resolution authorizing R. G. Hanner to sue the Commonwealth.

H. Res. 101. Resolution authorizing John Robert Gray to sue the Commonwealth.

H. Res. 46. Resolution authorizing payment of witness claim to C. D. Williams.

H. Res. 54. Resolution authorizing payment of claims to Ezra Beach, J. W. Connolly, Val Love, of Gallatin County.

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

H. Res. 56. Resolution authorizing Sarah Near to sue the Commonwealth.

H. Res. 91. Resolution authorizing Humphrey Collins to sue the Commonwealth.

H. Res. 103. Resolution to allow Charles Cornette to recover $80.87 from the Commonwealth.

H. B. 209. An Act relating to proof required for divorce.

S. B. 6. An Act to revise the law relating to private corporations.

S. B. 14. An Act making it an offense to board or lodge children under 16 years of age, etc.

S. B. 17. An Act relating to collection of school taxes.

S. B. 34. An Act to provide for payment of death inheritance and other taxes levied or assessed by the U. S. Revenue Acts.

S. B. 37. An Act transferring balances of funds of toll free bridges to sinking fund of Livermore and Rockport Bridges.

S. B. 39. An Act relating to mining of clay.

S. B. 47. An Act relating to Commissioners of Waterworks in cities of the second class.

S. B. 51. An Act relating to bonds of State officers and employes.

S. B. 54. An Act relating to matrons for police courts in cities of the first class.

S. B. 64. An Act relating to school term.

S. B. 69. An Act relating to users of narcotic drugs.

S. B. 74. An Act granting authority for issuance of revenue bonds.

S. B. 78. An Act to authorize building and loan associations to make loans.

S. B. 83. An Act pertaining to deeds, mortgages, etc.

S. B. 86. An Act relating to soil and water resources.

S. B. 92. An Act to provide for payment of expenses of county judges for their attendance at county meetings, etc.

S. B. 99. An Act relating to banks and trust companies.

S. B. 100. An Act relating to banks and trust companies.

S. B. 101. An Act relating to banks and trust companies and amending KRS.

S. B. 106. An Act relating to the abatement of nuisance caused by the growing of weeds upon private property.

S. B. 108. An Act to amend KRS.

S. B. 109. An Act relating to chiropractors.

S. B. 110. An Act relating to procedure for assessing property in second class cities.

S. B. 111. An Act to revise Kentucky Statutes.

H. B. 112. An Act relating to fees of county court clerks in certain counties.

H. B. 113. An Act relating to State Educational Agency for surplus property.

S. B. 114. An Act relating to purchase by boards of education or agencies thereof, and declaring an emergency.

S. B. 115. An Act relating to public assistance.

S. B. 116. An Act creating a Board of Claims.

H. B. 117. An Act to provide and grant to real or personal representation of any obliger the right to pay upon sixty days prior to written notice, obligations of decedents.

H. B. 119. An Act relating to revenue and taxation.

S. B. 124. An Act appropriating money out of general fund relating to paper for election ballots.

S. B. 128. An Act relating to Division of Forestry.

S. B. 129. An Act providing for restoration of Old Governor's Mansion.

S. B. 130. An Act relating to eligibility for public assistance.

S. B. 136. An Act authorizing any county in which there is located a city of the first class, relating to county government building.

S. B. 137. An Act providing for regulation of the operation of refrigerated lockers, etc.

S. B. 141. An Act authorizing the establishment of civil service for non-instructional employees of boards of education in cities of the second class.

S. B. 142. An Act relating to investment of funds of domestic Life Insurance Companies.

S. B. 144. An Act providing for county cooperation in the control of forest fires.

S. B. 145. An Act relating to forest fire protection.

S. B. 146. An Act relating to employers—workmen's compensation.

S. B. 154. An Act concerning armories.

S. B. 158. An Act making provision for disposition of money or property involved in actions in which there are unknown defendants.

S. B. 162. An Act prohibiting the operation of motor vehicles while under the influence of intoxicating liquors.

S. B. 172. An Act relating to the operation of electric and water systems in cities of the third class.

S. B. 173. An Act relating to confinement of prisoners when not working, etc.

S. B. 174. An Act relating to collection of taxes in cities of the second, third, fourth classes.

S. B. 175. An Act providing for payment by cities of second class of medical and hospital bills.

S. B. 182. An Act relating to non-resident nurseries and agents or dealers in trees.

S. B. 184. An Act relating to the number and compensation of deputies of Circuit Court Clerks and County Clerks.

S. B. 186. An Act authorizing certain persons to condemn land and right of ways for purpose of securing a water supply, etc.

S. B. 198. An Act relating to cities of 1st class.

S. B. 201. An Act relating to securities.

S. B. 202. An Act relating to supervisor of parents for counties having a population of 200,000 or more.

S. B. 203. An Act relating to salaries of deputy commissioners.

S. Res. 4. Resolution appropriating from General Fund the sum of $191.20 to pay claim of Lee B. Kesler.

S. Res. 7. Resolution appointing Committee to investigate the tobacco situation.

R. Res. 10. Resolution authorizing Les Ward to sue the Commonwealth.

S. Res. 12. Resolution authorizing Governor to declare an emergency respecting sale of burley tobacco.

S. Res. 14. Resolution authorizing Jerry Hall to sue the Commonwealth.

S. Res. 15. Resolution appropriating $52.50 to pay a claim to Everett Langford, of Beaver Dam, Kentucky.

S. Res. 16. Resolution authorizing J. H. Webb to sue the Commonwealth.

S. Res. 17. Resolution authorizing Wendell Webb to sue the Commonwealth.

S. Res. 19. Resolution appropriating sum of $802.11 to War Department.

S. Res. 21. Resolution authorizing Bud Burkhart to sue the Commonwealth.

S. Res. 22. Resolution authorizing Renfro Supply Company to sue the Commonwealth.

S. Res. 23. Resolution authorizing Clifford Alexander to sue the Commonwealth.

S. Res. 24. Resolution authorizing J. T. Eads to sue the Commonwealth.

S. Res. 25. Resolution authorizing Laura Whittaker and Charles Duff to sue the Commonwealth.

S. Res. 27. Resolution authorizing payment of claim to William Moore.

S. Res. 28. Resolution authorizing H. R. Dysard to sue the Commonwealth.

S. Res. 29. Resolution for the benefit of John W. Faulkner.

S. Res. 30. Resolution appropriating the sum of $2000 for restoring the Daniel Boone Monument.

S. Res. 32. Resolution authorizing Oscar Forster to sue the Commonwealth.

S. Res. 33. Resolution authorizing payment of claim to E. T. Deaton.

S. Res. 34. Resolution authorizing Gayle Everman to sue the Commonwealth.

S. Res. 35. Resolution appropriating the sum of $1792.69 to the Department of Military Affairs.

S. Res. 37. Resolution authorizing payment of claims against the Commonwealth.

S. Res. 38. Resolution appropriating $10.25 and $74.06 to pay claims to Charles Waggoner.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

A message was received from the Senate announcing that they had passed bills which originated in this House entitled:

H. B. 158. An Act relating to Assistant County Attorneys in certain counties.

With amendments thereto as proposed and adopted by the Senate.

H. B. 124. An Act appropriating money for the operation, maintenance and support of the State Government for the fiscal years ending June 30, 1947 and June 30, 1948.

With an amendment thereto by way of Substitute therefor as proposed and adopted by the Senate.

Ordered that said bills, with amendments thereto as proposed and adopted by the Senate, be referred to the

Committee on Rules.

Upon the call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Maurice Howard.

H. B. 503. An Act relating to Embalmers and Funeral Directors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any person who, after commencing his apprenticeship as required by KRS 316.030 (3) or his assistantship as required by KRS 316.090 (2), enters the Armed Forces of the United States shall receive credit up to two years on his apprenticeship or assistantship for the time spent in the Armed Forces. Any person who has served in the Armed Forces of the United States before commencing his apprenticeship or assistantship may apply to the three year period required by KRS 316.030 (3) or 316.090 (2) as many as two years spent in the Armed Forces.

2. KRS 316.130 is amended to read as follows:

(1) No license granted under this chapter shall be issued or renewed for a period exceeding one year. Every license and renewal shall expire on July 31, following the date of its issuance unless sooner revoked and canceled.

(2) Every licensed embalmer and every licensed funeral director who desires to continue in practice shall have his license renewed by filing an application for renewal with the Secretary of the Board each year within thirty days next before the expiration of the license upon blanks prescribed by the Board. He shall pay a renewal fee of not less than $2.00 and not more than $5.00 to be fixed by the Board not later than May 1 of each year.

(3) Every licensed embalmer and every licensed funeral director who enters the Armed Forces of the United States shall be excused from the payment of the renewal fee required by subsection (2) of this section for the period during which he is in service. Every licensed embalmer and every licensed funeral director who has continued to pay the renewal fee for the period during which he was in the Armed Forces shall, upon application to the Board and proof of service in the

Armed Forces satisfactory to the Board, have those renewal fees remitted to him. Payment shall be from the Funeral Directors and Embalmers Revolving fund warrants drawn by the Department of Finance upon the State Treasurer.

(4) No license granted under this chapter shall be transferable.

By Mr. Kincaid.

H. B. 504. An Act relating to compensation of county jailers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of section 64.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties containing a population of less than 75,000 the jailer shall be paid an annual salary of $2,000 out of the county treasury and the fees now provided by law, his total compensation not to exceed $5,000 per annum.

By Mrs. Burnett.

H. B. 505. An Act relating to committees to visit state hospitals for the mentally ill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A committee of at least twelve (12) members, six (6) men and six (6) women, shall be appointed for each of the state-supported hospitals for the mentally ill. The appointment of the committees shall be by the judge of the circuit court of the judicial district in which each of said hospitals is located. The selection of members shall be made from lists presented by the official heads of various humanitarian and religious organizations functioning in said districts.

§ 2. The committee shall visit in their respective districts the state supported hospitals for the mentally ill, singly or in groups or as a whole committee; visit the kitchens, the wards, the workshops, the dining rooms or any other part of the hospitals; interview the patients; and report findings to the superintendent of the hospital. Members of such committees shall report any violation of the Constitutional rights of patients to the Commonwealth's attorney of the district.

§ 3. Committee members shall be unpaid, and their services are to be rendered for the purpose of stimulating the practice of the Golden Rule at state hospitals for the mentally ill. Committee appointments shall be for a period of two years. Any member can be reappointed for meritorious service and discharged for failure to function adequately in the judgment of the superintendent. All vacancies shall be promptly filled from lists submitted in accord with the provisions of this Act.

§ 4. The superintendents of the hospitals shall allow such visits and interviews. Such committees shall be constituted and inaugurated by September 1, 1946.

By Mr. Denney.

H. B. 506. An act creating and relating to the Agricultural and Industrial Development Commission.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created a Commission to be known as the Agricultural and Industrial Development Commission, which shall be a body corporate and politic, and which shall consist of the Commissioner of Finance, the Commissioner of Conservation, the Commissioner of Welfare, the Commissioner of Highways and seventeen (17) members to be appointed by the Governor, each of whom shall be appointed for a term of four (4) years and until his successor is appointed and qualified. In making the appointments, the Governor shall select persons who are fairly representative

of the fields of agriculture, industry, commerce, business finance, labor, education, health and welfare. One of the twenty-one (21) members shall be designated by the Governor as Chairman of the Commission. Appointments to fill vacancies shall be for the unexpired term.

Section 2. The members of the Commission shall serve without compensation but shall be reimbursed for all reasonable expenses incurred while engaged in the performance of their duties.

Section 3. The Commission shall maintain an office; promulgate rules and regulations; keep complete and permanent records of its proceedings, meetings, hearings, decisions and orders. Seven (7) members of the Commission shall constitute a quorum for the transaction of business.

Section 4. The Commission is authorized and empowered to employ a director and such other persons, technical, clerical or otherwise as it deems necessary for the performance of its duties. The director shall be selected with special reference to his executive ability and experience, and special training and skill in the promotion and development of agricultural, industrial and other economic resources of the State, and shall perform such duties as are prescribed by the Commission.

Section 5. The Commission is authorized and empowered to create, establish and maintain boards, councils and committees throughout the State to advise it and to employ the services of persons and independent agencies to assist it in the performance of its duties.

Section 6. It shall be the duty of the Commission: (1) To do research, make studies and surveys, prepare plans and formulate programs relative to the agricultural, industrial and other economic resources, assets and facilities of the State and relative to the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health and welfare and all subjects of vital interest to the people.

(2) To advertise, publicize, promote, foster and encourage the development of the agricultural, industrial and other economic resources of the State and relative to the improve-

ment of the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health, and welfare and all subjects of vital interest to the people.

(3) To advise, counsel with, and coordinate the efforts and activities of the departments, agencies and institutions of the State Government which are engaged in the promotion of or planning for agricultural, industrial and other economic development and in the promotion of programs relative to the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health and welfare and all subjects of vital interest to the people.

(4) To develop the agricultural, industrial and other economic resources of the State and to improve the tax structure, Negro affairs, youth guidance, soil conservation, parks, forests, recreation, tourist travel and public education, health and welfare and all subjects of vital interest to the people.

Section 7. The Commission is authorized and empowered to acquire in the name of the Commonwealth of Kentucky for the use and benefit of the Commission, both real and personal property by purchase, condemnation, grant, gift, lease or otherwise; and to own, hold, sell, lease or otherwise convey all such real and personal property. The procedure for condemnation shall conform to that provided in KRS 416.010 to 416.080.

Section 8. The Commission is authorized and empowered to borrow money by pledging its anticipated revenues to be derived from any and all sources; to issue negotiable bonds, the principal and interest of which shall be payable solely from the revenues accruing from the particular enterprize or activity upon which the proceeds of the bonds were expended and shall not be obligations of the State. The bonds shall not bear interest in excess of six (6%) percent per annum and shall be free from taxation as to principal and interest.

Section 9. The Commission is authorized and empowered to construct, reconstruct and improve public buildings and other public property with the approval of the gov-

ernmental authority having control of such property and for the accomplishment of this purpose, the Commission is authorized and empowered to enter into financial arrangements of all kinds with private persons, corporations or governmental agencies and to issue negotiable bonds to pay the costs of such improvements, said bonds being payable solely from the revenues accruing from the particular public property improved and shall not be obligations of the State. The bonds shall not bear interest in excess of six (6%) percent per annum and shall be free from taxation as to principal and interest.

Section 10. The Commission is authorized and empowered either independently or with private persons or corporations, the federal, state, county or municipal governments or agencies thereof; to promote, develop, finance, establish, maintain, operate or engage in agricultural, industrial or all other economic enterprizes or activities; and to enter into contracts and arrangements, financial or otherwise, and to do all things necessary for the accomplishment of such purposes.

Section 11. The Commission is authorized and empowered to sue and be sued, to make contracts, and to do all things necessary to accomplish the purposes for which it is created.

By Mr. Tipton.

H. Res. 105. A joint resolution authorizing C. S. Rice and E. G. Rice, a partnership, doing business under the name and style of Estill Motor Company, of Irvine, Kentucky to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That C. S. Rice and E. G. Rice, a co-partnership doing business under the name and style of Estill Motor Company, of Irvine, Kentucky, are authorized to sue the Commonwealth of Kentucky in the Estill Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky while

such employe was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. E. Todd.

H. Res. 106. A joint resolution authorizing Robert Ballinger to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Robert Ballinger be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Madison Circuit Court, Madison County, Kentucky, for damages resulting from personal injury and property damages caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky and while he was in the line of duty as an employe of this Commonwealth.

Said suit shall be for a sum not in excess of two thousand five hundred dollars.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and

settle said claim before suit is filed, if he deems advisable. Any amount recovered in said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the part of the Commonwealth, or of any of its agencies or employees and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Creasey.

H. Res. 108. A joint resolution authorizing Raymond Clayton of Providence, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Raymond Clayton is authorized to sue the Commonwealth of Kentucky in the Webster Circuit Court for damages resulting from damage to his crops during the years 1944 and 1945, grown on his farm in Webster County, Kentucky, on the waters of Bull Creek, and lying on the east side of U. S. Highway 41 extending between Dixon and Providence, Kentucky, which farm contains 106 acres.

Said damage was caused by the overflow of Bull Creek which passes under a bridge erected and constructed and being maintained by the State Highway Department on U. S. Highway 41. That the said overflow was due to the fact that the opening is not sufficient to permit the passage of the ordinary rainfalls in that vicinity and the water is caused to back upon the lands of the said Raymond Clayton, which results in damages to his crops.

Said suit shall be for a sum not in excess of $5,495.00.

The Attorney General of the Commonwealth of Kentucky investigate the claim against the Commonwealth herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warranty drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by the Court or the Jury as an admission of negligence or shall not be introduced as evidence, nor commented upon by counsel in argument to the Jury.

Ordered that said bills and resolutions be printed and referred to the Committee on Rules.

Mr. Runyon of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill entitled:

S. B. 18. An Act relating to employment in the State Government of persons returning from military service.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

Mr. Lowman offered the following resolution, viz.:

H. Res. 107. Resolution protesting against the establishment of the Falmouth Dam Project.

Said resolution is as follows, viz.:

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That it is the sense of the members of the General Assembly of the Commonwealth of Kentucky that the proposed Falmouth Dam Project on Licking River will seriously impair and destroy substantial communities whose ways of living are immeasureably essential to the Commonwealth of Kentucky with no compensating gain in the way of flood control or power development.

That the members of the General Assembly of the Commonwealth of Kentucky are unalterably opposed to the Falmouth Dam Project.

That the Congress of the United States is urged and implored to take such action as may be necessary to cause the abandonment and withdrawal of such proposed project.

The Clerk of the House of Representatives is directed to send copies of this Resolution to each Representative in Congress from Kentucky, and to each United States Senator from Kentucky.

Mr. J. Lee Moore moved that consideration of said resolution be postponed indefinitely.

Said motion was disagreed to, having failed to receive a majority of those present, and voting.

The yeas and nays being taken thereon, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	L. A. Demumbrun	E. J. Lucas
Harold L. Barnes	Adron Doran	E. H. Martin
F. H. Bassett, Jr.	G. I. Drury	J. Lee Moore
B. J. Bonn	M. B. Gilligan	Fred Morgan
J. C. Bradley	J. J. Huff	E. C. Mullins
B. K. Brantley	W. H. Hunt	Thos. A. Noe
John Y. Brown	Paul Jonas	Joe E. Nunn
Mrs. Mary Burnett	Edgar Kitchen	Louis T. Peniston
Chas. W. Burnley	Homer E. Losey	Sylvester Phillips
W. K. Coleman	A. L. Love	E. F. Prichard

Kelse H. Risner	Paul J. Stapleton	Rodney Whitlow
Amos Runyan	Geo. W. Steinford	Mr. Speaker
W. R. Smith	L. S. Stephens	
E. A. Spencer	Lawrence Wells	—40

Those who voted in the negative were—

C. W. Anderson	Jerry F. Howell	Hobart Rayburn
Ott Begley	Ira W. Hulette	Wade H. Riley
W. G. Biggers	Kerby Jennings	J. W. Simmons
Jack Bingham	L. H. Jones	Luther Slusher
Fred Creasey	B. F. Kincaid	Forrest Smith
Forest C. Easley	G. O. Kirkpatrick	C. W. Taylor
Bernie S. Edlin	H. K. Lowman	E. L. Thompson
Eck Embry	W. E. McClure	Ray G. Tipton
A. H. Eversole	Jack McPherron	E. N. Todd
Henry J. Giles	Harry L. Moore	S. J. Wagner
Tom Gilliam	J. L. Moore	Lyle H. Webb
Otto W. Goff	Joe T. Morgan	Morris Weintraub
R. M. Hall	Rodes K. Myers	John Wilborn
E. R. Hilton		—40

Ordered that said resolution be referred to the Committee on Rules.

The House took up for consideration from the Calendar, bills and a resolution entitled:

H. B. 236. An Act relating to barbers and beauticians.

With a Committee amendment thereto.

H. B. 472. An Act declaring certain conduct, and certain uses of property to constitute a nuisance.

H. B. 441. An Act to provide for the construction, maintenance and operation of flood control systems.

H. B. 446. An Act enabling the Kentucky Unemployment Compensation Commission to acquire a site to erect a building to house that agency.

H. B. 420. An Act to authorize cities of the 2nd, 3rd, 4th, 5th and 6th classes to establish, construct, improve and extend municipal sewerage systems.

H. B. 417. An Act providing for district detectives for Commonwealth's Attorneys.

H. Res. 70. Resolution authorizing Herman Birkhead to sue the Commonwealth.

H. B. 447. An Act relating to the licensing of motor vehicles owned by governmental units.

H. B. 462. An Act relating to alcoholic beverages.

H. B. 432. An Act relating to alcoholic beverages.

H. B. 380. An Act relating to alcoholic beverages.

H. B. 370. An Act relating to sheriffs; amending and reenacting Sections 64.090 and 70.030 KRS.

H. B. 421. An Act relating to trial and commitment of juveniles.

Ordered that said bills and resolution be read the second time.

The Constitutional provision as to the second reading at length of said bills and resolution having been dispensed with, said bills and resolution were read the second time by their titles only.

Ordered that said bills and resolution be placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 180. An Act relating to the purgation of voters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (2) of Section 117.450 of the Kentucky Revised Statutes is repealed.

§ 2. WHEREAS, registered voters who have served in the Armed Forces are now being stricken from the list of voters in each county for the reason that they have not voted for two years, and will continue to be stricken for that reason, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Henry J. Giles	W. E. McClure
F. O. Baker	Tom Gilliam	Jack McPherron
F. H. Bassett, Jr.	M. B. Gilligan	Harry L. Moore
W. G. Biggers	R. M. Hall	J. Lee Moore
B. J. Bonn	C. L. Hammonds	Fred Morgan
J. C. Bradley	E. R. Hilton	E. C. Mullins
John Y. Brown	Clyde S. Howard	Joe E. Nunn
Mrs. Mary Burnett	Jerry F. Howell	Louis T. Peniston
Chas. W. Burnley	Ira W. Hulette	Sylvester Phillips
W. K. Coleman	Paul Jonas	L. W. Preston
Fred Creasey	B. F. Kincaid	E. F. Prichard
S. J. Daugherty	Edgar Kitchen	Wade H. Riley
Adron Doran	Homer E. Losey	Kelse H. Risner
G. I. Drury	A. L. Love	Amos Runyan
Forest C. Easley	E. J. Lucas	J. W. Simmons
Bernie S. Edlin	E. H. Martin	Luther Slusher

Forrest Smith	Ralph G. Stone	Harry F. Walters
W. R. Smith	E. L. Thompson	Morris Weintraub
E. A. Spencer	Walter L. Trivette	Lawrence Wells
Geo. W. Steinford	S. J. Wagner	John Wilborn
L. S. Stephens		—61

Those who voted in the negative were—

Roy W. Arnold	A. H. Eversole	Thos. A. Noe
Harold L. Barnes	J. J. Huff	Paul J. Stapleton
Ott Begley	Kerby Jennings	Ray G. Tipton
Jack Bingham	G. O. Kirkpatrick	E. N. Todd
E. R. Denny	Joe T. Morgan	Lyle H. Webb
Eck Embry	John C. Newcomb	W. W. Webster
R. R. Ernst		—19

Resolved that the title thereof be as aforesaid.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the House do now recess for five minutes.

Said motion was agreed to.

And then the House recessed.

Five minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Howell of the Committee on Rules to which the same had been referred, reported a bill entitled:

H. B. 124. An Act appropriating money for the operation, maintenance and support of the State government for the fiscal years ending June 30, 1947 and June 30, 1948.

With an amendment thereto by way of Substitute therefor, as proposed and adopted by the Senate.

With the expression of opinion that the House should refuse to concur in said amendment by way of Substitute as proposed and adopted by the Senate.

(For bill see House Journal of February 19).

Said Substitute as proposed and adopted by the Senate is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1946, and ending June 30, 1947, and for the fiscal year beginning July 1, 1947, and ending June 30, 1948, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42 and 45 of the Kentucky Revised Statutes, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation,

1946-1947	$	5,000.00
1947-1948	$	250,000.00

(b) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency,

1946-1947	$	5,000.00
1947-1948	$	5,000.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation,

1946-1947	$	2,400.00
1947-1948	$	2,400.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 43,250.00
1947-1948 ..... $ 43,250.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,500.00
1947-1948 ..... $ 17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,050.00
1947-1948 ..... $ 1,050.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund (Circuit Clerks), and Commissions on Fines and Forfeitures,

1946-1947 ..... $ 1,100,000.00
1947-1948 ..... $ 1,100,000.00

(e) *Salaries — Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 290,000.00
1947-1948 ..... $ 290,000.00

(f) *Return of Fugitive from Justice.* For ordinary recurring expenses of operation in paying for return of fugitives from justice authorized by the Governor which have not been previously paid,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(g) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law,

1946-1947 ..... $ 140,000.00
1947-1948 ..... $ 140,000.00

(h) *Judiciary Building.* For capital outlay in constructing and equipping a suitable building to accommodate

the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(The above appropriations shall be expended by and under the direction of a Judiciary Building Commission, which is hereby created, consisting of the Governor, the Attorney General, and the Chief Justice of the Court of Appeals. Said Commission is authorized and empowered to adopt plans and specifications for the constructing and equipping of a Judiciary Building as it may deem best and most suitable for the accommodation of the Court of Appeals, the Clerk of the Court of Appeals, the Department of Law, and the State Law Library. The building shall be erected upon the grounds now owned by the State immediately south of the New State Capitol, the exact site to be selected by the Commission. After plans and specifications have been adopted by the Commission, it shall advertise for sealed proposals for the work or any part thereof, and the work shall be awarded to the lowest and best bidder, due regard being had to the responsibility of the bidder. Every contractor shall be required to execute bond conditioned for the faithful performance of his contract, with surety to be approved by the Commission. The Commission may employ an architect and a superintendent of the building, and fix the compensation thereof. Copies of all contracts made by the Commission shall be filed with the Department of Finance. Warrants for the expenditures shall be issued by the Commissioner of Finance upon order of the Commission.)

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 23,500.00
1947-1948 ..... $ 23,500.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation,

1946-1947 ..... $ 6,000.00
1947-1948 ..... $ 6,000.00

(d) *Emergency Fund.*

General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 21,000.00
1947-1948 ..... $ 21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,200.00
1947-1948 ..... $ 1,200.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 41,000.00
1947-1948 ..... $ 41,000.00

(b) *Cost of Suits.* For extraordinary expenes of operation and payment of Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligations in prosecuting in the interest of the State, as required by law,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission,

1946-1947 ..... $ 28,800.00
1947-1948 ..... $ 12,000.00

(d) Capital outlay and supplies, including typewriters, book cases, filing cabinets and other necessary equipment and supplies for the Attorney General's office,

1946-1947 ..... $ 3,000.00
1947-1948 ..... $ 2,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 37,500.00
1947-1948 ..... $ 37,500.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Capital Outlay.* For capital outlay necessary for the Department of Treasury,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(c) *Custodian of Securities.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 600.00
1947-1948 ..... $ 600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State, including all State Agencies and County Officials receiving or disbursing public monies belonging to the State,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance, including the administration of Confederate Pensions, and administration of Public Printing,

1946-1947 ..... $ 155,000.00
1947-1948 ..... $ 155,000.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation,

1946-1947 ..... $ 127,000.00
1947-1948 ..... $ 127,000.00

(c) *New Lands and Buildings (Capital Outlay).* For capital outlay in the acquisition of lands and buildings and the construction, reconstruction or repair of buildings and equipment and fixtures appurtenant thereto, and for architectural and engineering fees, and for commissions, and to include the acquisition and installation of an adequate ventilating system for the House of Representatives and the Senate of the General Assembly,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(d) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 12,000.00

(e) *Public Record Books. (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books as provided in KRS 28.130,

1946-1947 ..... $ 64,500.00
1947-1948 ..... $ 64,500.00

(f) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required in KRS 117.070,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(g) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(h) *Paper. (Revolving Fund.)* To be used for the purpose of paper to be held in stock until charges for paper used

by the budget classes are made against the various budget units,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(i) *Postage. (Revolving Fund.)* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(j) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

10. KENTUCKY AERONAUTICS COMMISSION

(a) *Kentucky Aeronautics Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

11. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of various Divisions of the Department of Revenue,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(b) *Capital Outlay.* For capital outlay for the acquisition and installation of machinery and equipment,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

Miscellaneous Revenue Agencies

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 400,000.00
1947-1948 ..... $ 400,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 18,000.00
1947-1948 ..... $ 18,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 500.00
1947-1948 ..... $ 500.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 34,000.00
1947-1948 ..... $ 34,000.00

(c) *For Capital Outlay.*

1946-1947 ..... $ 450,000.00
1947-1948 ..... $ 450,000.00

(d) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap Park,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(e) *Division of Forestry.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(f) *Division of Publicity.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 35,000.00

(g) *Division of Soil and Water Resources.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 100,000.00
1947-1948 ..... $ 100,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 42,000.00
1947-1948 ..... $ 42,000.00

(d) *Kentucky Active Militia.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Commissioner of Agriculture.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 47,500.00
1947-1948 ..... $ 47,500.00

(It is the intention of the Legislature that this appropriation shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of each fiscal year, "Division of Markets," "Weights and Measures".)

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(It is the intention of the Legislature that this appropriation shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitary Division".)

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

(It is the intention of the Legislature that this money is to be used for the treatment of the disease and the paying for the diseased livestock and not for the purpose of paying administrative expenses.)

(d) *4-H Club and Future Farmer Work.* For paying premiums for 4-H Club and Future Farmer Work and for the promotion and encouragement of 4-H Club and Future Farmer activities in Kentucky,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(e) *State Fair Board.*

(1) For per diem and expenses of Board members,

1946-1947 ..... $ 750.00
1947-1948 ..... $ 750.00

(2) Premiums for State Fair,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(3) Retiring a part of the M. & M. Building bonded indebtedness maturing,

November 1, 1946 ..... $ 14,000.00
November 1, 1947 ..... $ 14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health—General.* For ordinary recurring expenses of operation, including laboratory service,

1946-1947 ..... $ 175,000.00
1947-1948 ..... $ 175,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse Service,

1946-1947 ..... $ 375,000.00
1947-1948 ..... $ 375,000.00

(d) *Hazelwood Sanatorium.*

(1) For ordinary recurring expenses of operation,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(2) For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements:

1946-1947 ..... $ 3,500.00
1947-1948 ..... $ 3,500.00

(e) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

(f) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in KRS 215.320,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(g) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(h) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(i) *Kentucky Division of Women's Field Army of American Society for Control of Cancer.* For ordinary recurring expenses and for educational purposes in connection with control of cancer, for care of indigent cancer patients, and for control of cancer under supervision of State Board of Health,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

(j) *Capital outlay for State Tuberculosis Sanatoria (other than Hazelwood).* For capital outlay in the construction, equipping, and furnishing of state tuberculosis sanatoria, in accordance with the provisions of KRS 215.071 to 215.074, supplementing any funds available for said purpose under the provisions of Chapter 1 of the Acts of the Second Extraordinary Session of the 1944 General Assembly.

1946-1947 ..... $ 1,500,000.00
1947-1948 ..... $ 775,000.00

(k) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

17. DEPARTMENT OF WELFARE

(a) *Office of Commissioner of Welfare.* For ordinary recurring expenses of operation in the administration of the Department of Welfare,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Division of Fiscal Control.* Ordinary recurring expenses of operation,

1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(c) *Division of Hospitals and Mental Hygiene.* For ordinary recurring expenses of operation of the charitable institutions and Darnall Hospital of the Department of Welfare,

1946-1947 ..... $ 2,100,000.00
1947-1948 ..... $ 2,300,000.00

(d) *Division of Corrections.* For ordinary recurring expenses of operation of:

(1) Office of Director of Division, including administration of probation and parole,

1946-1947 ..... $ 105,000.00
1947-1948 ..... $ 105,000.00

(2) Houses of Reform, State Reformatory, State Penitentiary, Women's Prison,

1946-1947 ..... $ 995,000.00
1947-1948 ..... $ 995,000.00

(e) *Kentucky Children's Home.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 110,000.00
1947-1948 ..... $ 110,000.00

(f) *Division of Engineering.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(g) *Social Security Administration.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulation, and for the administration of Old Age Assistance, KRS 205.010 to 205.080, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind",

(1) *Division of Child Welfare.* Expenses of operation,

1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

a. Benefits for Dependent Children,

1946-1947 ..... $ 50,000.00
1947-1948 ..... $ 50,000.00

(2) Office of Commissioner of Welfare, in administration of Social Security program,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(3) Fiscal Control and Management,
1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00

(4) Division of Public Assistance;

a. Office of Director of Division,
1946-1947 ..... $ 70,000.00
1947-1948 ..... $ 70,000.00

b. Old Age Assistance Payments, Aid to the Needy Blind, and Aid to Dependent Children, and not to be used for cost of administration:
1946-1947 ..... $ 4,750,000.00
1947-1948 ..... $ 4,750,000.00

c. Field Operations in Administration of Public Assistance Program,
1946-1947 ..... $ 330,000.00
1947-1948 ..... $ 330,000.00

(h) *Home for Incurables.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(i) *Conveyance of Lunatics.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(j) *Pauper Idiots.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 65,000.00
1947-1948 ..... $ 65,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 75,000.00
1947-1948 ..... $ 75,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation,
1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 14,000.00
1947-1948 ..... $ 14,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(e) *Common School Per Capita Fund.* For the payment and increase of the monthly salaries of teachers and for no other purpose,

1946-1947 ..... $ 16,511,062.37
1947-1948 ..... $ 16,511,062.37

The State Board of Education is directed to approve no working budget or salary schedule for a local board of education for the school years 1946-1947 and 1947-1948 in which the total amount budgeted for teachers' salaries in the school year 1945-1946 is not increased by the additional amount of per capita revenue apportioned to that district, over that received in the school year 1945-1946, except where there is a decline in local revenue of that district after the district has levied the maximum ad valorem tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

(f) *Interest on State School Bonds.* From interest on State School bonds, as provided by the State Constitution, for the support of common schools, which amount shall be used to supplement the appropriation of common school per capita in item (e),

1946-1947 ..... $ 138,937.63
1947-1948 ..... $ 138,937.63

(g) *Equalization Fund.* For equalization of educational services in the common schools to be expended as provided by law and regulations of the State Board of Education,

1946-1947 ..... $ 1,850,000.00
1947-1948 ..... $ 1,850,000.00

(h) *Free Textbooks.* For the purchase of textbooks as provided for in KRS 157.100 and 157.190. An amount not

exceeding 3% of this appropriation may be used for administration,

1946-1947 ..... $ 500,000.00
1947-1948 ..... $ 500,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 300,000.00
1947-1948 ..... $ 300,000.00

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry and otherwise,

1946-1947 ..... $ 61,000.00
1947-1948 ..... $ 61,000.00

(k) *Kentucky State College for Negroes*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 225,000.00
1947-1948 ..... $ 225,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

(l) *Lincoln Institute of Kentucky.* For ordinary recurring expenses for operating a practice teacher training high school in accordance with a contract between the State Board of Education and the Board of Trustees of Lincoln Institute,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(m) *West Kentucky Vocational Training School for Negroes.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,006.00
1947-1948 ..... $ 55,006.00

2. For capital outlay,

1946-1947 ..... $ 60,000.00
1947-1948 ..... $ 60,000.00

(n) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students re-

quired to go out of the State to obtain higher educational training,

1946-1947 ..... $ 30,000.00
1947-1948 ..... $ 30,000.00

(o) *Kentucky School for the Blind—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 85,000.00
1947-1948 ..... $ 85,000.00

2. For capital outlay,

1946-1947 only ..... $ 75,000.00

(p) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(q) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(r) *Mayo State Vocational School.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

For capital outlay,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(s) *Public School Lunch Program.* For ordinary recurring expenses of operation, to be administered by the Superintendent of Public Instruction,

1946-1947 ..... $ 16,800.00
1947-1948 ..... $ 16,800.00

(t) *Kentucky School for the Deaf—White.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

2. For capital outlay,

1946-1947 ..... $ 175,000.00
1947-1948 ..... $ 175,000.00

(u) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation,

1946-1947	$	10,000.00
1947-1948	$	10,000.00

(v) *Teachers' Retirement Fund.* For administering and complying with the obligations of the State under the Teachers' Retirement Act, KRS 161.220 to 161.710, an amount not to exceed,

1946-1947	$	850,000.00
1947-1948	$	850,000.00

(w) *Northern Kentucky Vocational Training School.* For ordinary recurring expenses of operation,

1946-1947	$	25,000.00
1947-1948	$	25,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation,

1946-1947	$	1,580,000.00
1947-1948	$	1,158,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation,

1946-1947	$	40,000.00
1947-1948	$	40,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation,

1946-1947	$	11,000.00
1947-1948	$	11,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation,

1946-1947	$	40,000.00
1947-1948	$	40,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary recurring expenses of administration,

1946-1947	$	1,500.00
1947-1948	$	1,500.00

(f) *For Extraordinary Expenses.*

1. Library Equipment (capital outlay),

1946-1947 ..... $ 11,000.00
1947-1948 ..... $ 11,000.00

2. Scientific Laboratory Equipment (capital outlay),

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

3. Engineering Equipment, generally (capital outlay),

1946-1947 ..... $ 22,000.00
1947-1948 ..... $ 22,000.00

4. Home Economics Equipment (capital outlay),

1946-1947 ..... $ 11,000.00

(g) *Experiment Station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 55,000.00
1947-1948 ..... $ 55,000.00

(h) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products,

1946-1947 ..... $ 7,500.00
1947-1948 ..... $ 7,500.00

(i) *Research in Coal.*

1946-1947 ..... $ 8,250.00
1947-1948 ..... $ 8,250.00

(j) *Service Laboratories.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 23,100.00
1947-1948 ..... $ 23,100.00

(k) *Nursery Inspection.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(l) *Princeton Sub-station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(m) *Quicksand Sub-station.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 17,600.00
1947-1948 ..... $ 17,600.00

(n) *Agricultural Extension Work.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 250,000.00
1947-1948 ..... $ 250,000.00

(o) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in KRS 247.060,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(p) *Capital Outlay.*

1946-1947 ..... $ 525,000.00
1947-1948 ..... $ 525,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 351,000.00
1947-1948 ..... $ 351,000.00

2. For capital outlay,

1946-1947 ..... $ 135,000.00
1947-1948 ..... $ 135,000.00

(b) *Morehead State Teachers' College.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 306,000.00
1947-1948 ..... $ 306,000.00

(c) *Murray State Teachers College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 325,000.00
1947-1948 ..... $ 325,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 225,000.00

(d) *Western Kentucky State Teachers' College.*

1. For ordinary recurring expenses of operation,

1946-1947 ..... $ 434,000.00
1947-1948 ..... $ 434,000.00

2. For capital outlay,

1946-1947 ..... $ 200,000.00
1947-1948 ..... $ 200,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 12,000.00
1947-1948 ..... $ 12,000.00

(b) *Law Library Books.* For ordinary recurring expenses of operation as provided for under KRS 171.110,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(c) *Library Sales Account — Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 1,000.00
1947-1948 ..... $ 1,000.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation, and shall not be transferred or used for any other purpose,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

For capital outlay, to be expended by the Kentucky State Historical Society, for the restoration of the "Old Governor's

Mansion" in Frankfort, Kentucky, to be used as a State Museum under the control of the Kentucky State Historical Society,

1946-1947 ..... $ 15,000.00
1947-1948 ..... $ 15,000.00

22. DEPARTMENT OF BUSINESS REGULATION

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 4,000.00
1947-1948 ..... $ 4,000.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 45,000.00
1947-1948 ..... $ 45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 40,000.00
1947-1948 ..... $ 40,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,000.00
1947-1948 ..... $ 7,000.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 8,000.00
1947-1948 ..... $ 8,000.00

(b) *Division of Wages and Hours for Women and Minors.* For ordinary recurring expenses of operation, including labor and statistics generally and inspection services,

1946-1947 ..... $ 35,000.00
1947-1948 ..... $ 35,000.00

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 80,000.00
1947-1948 ..... $ 80,000.00

(b) *Capital Outlay.* For establishing and equipping Mine Rescue Stations,

1946-1947 ..... $ 20,000.00
1947-1948 ..... $ 20,000.00

(c) *Division of Geology.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 25,000.00
1947-1948 ..... $ 25,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 24,000.00
1947-1948 ..... $ 24,000.00

(b) *Assistant Attorney General for Railroad Commission.* For ordinary recurring expenses of operation,

1946-1947 ..... $ 7,000.00
1947-1948 ..... $ 7,000.00

26. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

(a) *Office of Commissioner.* For ordinary recurring expenses of the department,

1946-1947 ..... $ 150,000.00
1947-1948 ..... $ 150,000.00

27. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Money Refunded.* For refunding money paid to the State Treasurer, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance,

1946-1947 ..... $ 5,000.00
1947-1948 ..... $ 5,000.00

(b) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by

law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(c) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General,

1946-1947 ..... $ 10,000.00
1947-1948 ..... $ 10,000.00

(d) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. & M. bonds as provided by KRS 164.520,

1946-1947 ..... $ 9,900.00
1947-1948 ..... $ 9,900.00

(e) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same,

1946-1947 ..... $ 250.00
1947-1948 ..... $ 250.00

(f) *Statutes and Codes for Courts.* For paying for replacements and purchases of statutes and codes for the Courts as provided in KRS 57.340,

1946-1947 ..... $ 1,500.00
1947-1948 ..... $ 1,500.00

(g) *Jefferson County Fees.* For paying various officials of Jefferson County 75 percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947 ..... The amount necessary
1947-1948 ..... The amount necessary

(h) *Kenton County Fees.* For paying various officials of Kenton County seventy-five percent of the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and ap-

proved by the Commissioner of Finance and to pay to the fiscal court of said county the part of said fees as may be required by KRS 64.350,

1946-1947 ..... The amount necessary
1947-1948 ..... The amount necessary

(i) *Capital Outlay for Rehabilitation of Institutions.* For acquiring lands, construction of buildings, reconstruction of buildings, and the purchase and installation of equipment and furnishings of a permanent nature, for any charitable, penal or eleemosynary institution, supplementing and in addition to any funds available for said purpose under the provisions of Chapter I of the Acts of the Second Extraordinary Session of the 1944 General Assembly,

1946-1947 ..... $ 1,000,000.00
1947-1948 ..... $ 1,000,000.00

The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the State Treasurer, may contract for capital improvements for any of the institutions above specified, and shall make direct approval of all expenditures from the appropriations made in this subsection.

PART TWO
REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1947, and for the fiscal year ending June 30, 1948, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or

other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund out of which shall be established separate Revolving Fund Accounts for the use and benefit of the separate professional boards, or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for capital outlay and ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisition. The total amount any agency may requisition from the Revolving Fund Account, through the Department of Finance, shall not during the fiscal year ending June 30, 1947, nor during the fiscal year ending June 30, 1948, exceed the amount placed to the credit of the Revolving Fund for such year, out of which has been established a Revolving Fund Account for each separate agency during such fiscal year, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30 of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under KRS 217.090 not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Corporations. All revenue received under KRS 271.030, not exceeding seven thousand five hundred dollars ($7,500.00).

It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to the General Expenditure Fund.

Expenses of Federal Elections. All money received from the Federal Government to reimburse the State for expenses incurred in elections for Federal officers.

AUDITOR OF PUBLIC ACCOUNTS

County Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in KRS 43.070, and all other fees that may be received in connection with such examinations.

DEPARTMENT OF FINANCE

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties such portion of truck licenses as is provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement of any New Land and Building or Improvement Program which may be made applicable for use of said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under KRS 186.410.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as are provided for by KRS 34.400.

DIVISION OF GAME AND FISH

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry.
Division of Publicity.

MILITARY DEPARTMENT

Industrial Peace Officers. All fees paid under KRS 61.360.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
State Tuberculosis Sanatoria other than Hazelwood.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.

DEPARTMENT OF EDUCATION

Any private or Federal Funds that may become available for use in connection with the Department.
Kentucky State College for Negroes.

West Kentucky Vocational Training School for Negroes.
Mayo State Vocational School.
Northern Kentucky Vocational School.
State Board of Education—School Lunch Program.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Kentucky School for the Blind.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS' COLLEGES

Eastern Kentucky State Teachers' College.
Morehead State Teachers' College.
Murray State Teachers' College.
Western Kentucky State Teachers' College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.
Stephenson Fund.
Library Extension Division.
State Board for Certification of Librarians.

PROFESSIONAL BOARDS AND COMMISSIONS

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.

Insurance Examiners Expense.
State Board of Professional Engineers.
Kentucky State Real Estate Commission.

DEPARTMENT OF BUSINESS REGULATION

1. *Division of Insurance Fire Prevention.* All fees, receipts, collections and assessments paid into the State Treasury during the calendar years 1946 and 1947, under KRS 136.360, and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury during such years, pursuant to the provisions of subsections (1) to (10) of KRS 296.320, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal years ending June 30, 1947, and June 30, 1948, respectively.

2. *Division of Insurance, Custodian of Securities.* The sums paid for expenses relating to the deposits of securities under KRS 297.350.

3. *Banking and Small Loans.* All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.
Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen is hereby appropriated for ordinary recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by KRS 278.130 to 278.150, a sum of not more than $130,000.00 for each of the fiscal years ending June 30, 1947, and June 30, 1948.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

1. Workmen's Compensation Board, subject to the provisions of KRS 342.485.

2. Division of Unemployment Compensation.

3. Kentucky State Employment Service.

KENTUCKY AERONAUTICS COMMISSION

JEFFERSON COUNTY MASTER COMMISSIONER

MISCELLANEOUS

The Department of Finance is authorized to establish special suspense and clearing accounts pending final distribution of funds.

PART THREE

DEPARTMENT OF HIGHWAYS

State Road Fund. There shall be established for the purpose of paying cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1946, and ending March 31, 1947, and for the fiscal year beginning April 1, 1947, and ending March 31 1948, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from taxes now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities, including all revenues required, by Section 230 of the Constitution, to be used for highway purposes. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of

the State Road Fund during the fiscal years ending March 31, 1947, and March 31, 1948, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(1) *Federal-aid highway projects.* (a) There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $4,205,000.00 for projects on the Federal-aid highway system other than in urban areas, in cooperation with the Federal Public Roads Administration.

(b) There is hereby appropriated out of the State Road Fund for each of the following fiscal years ending March 31, 1947, and March 31, 1948, the sum of $1,300,000.00 for projects on the Federal-aid highway system in urban areas, in cooperation with the Federal Public Roads Administration.

(c) There is further appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $3,500,000.00, to be used for secondary and feeder roads, including farm-to-market roads, rural free delivery mail and public school bus routes, either outside of municipalities or inside of municipalities of less than five thousand population, in cooperation with the Federal Commissioner of Public Roads and in cooperation with the county fiscal courts, as provided in Public Law No. 521 of the 78th Congress of the United States.

(2) *Division of Administration.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for ordinary recurring administrative expenses of operation of the Division of Administration, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, the sum of $5,000,000.00 to be used by the Division of Rural Highways, for the construction and maintenance of county roads and bridges which have not been accepted by the State

Highway Commission for maintenance, said appropriation to be allocated among the several counties as may be provided by law, and to be expended upon such roads under such regulations as may be prescribed by law. (Of this amount not more than 6 percent may be used for Administrative purposes for Rural Highway Division in the Highway Department.) When the funds hereby appropriated have been allocated to the respective counties, any unexpended balance remaining to the credit of any county from appropriations of previous years shall be carried forward and added to the allocation of the current year for each county.

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending March 31, 1947, and March 31, 1948, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $500,000.00.

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax, Tax on Other Motor Fuels, and Motor Vehicle Usage Tax.* There is hereby appropriated out of the State Road Fund to the Department of Revenue for each of the Fiscal years ending June 30, 1947, and June 30, 1948, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, and the laws relating to the Motor Vehicle Usage Tax, the sum of $195,300.00.

(b) *Motor Transportation.* There is hereby appropriated out of the State Road Fund for each of the fiscal years ending June 30, 1947, and June 30, 1948, for the use of the Department of Business Regulation, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $75,000.00.

PART FOUR

1.

All receipts, fees and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the

State Government shall be covered into the State Treasury promptly, as provided by statute, through the Department of Finance and placed to the credit of the General Expenditure Fund, except those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury promptly, as provided by statute, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivision of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allocated as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under section 4, "EXECUTIVE DEPARTMENT", Item (d), Part One of this Act.

As the needs of each officer, department, board, commission, institution, or subdivision of the State Government and

the total revenues to be received into the General Fund cannot be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government and to ascertain the total revenues anticipated to be received into the General Expenditure Fund of the Commonwealth, including the unencumbered cash balance which may be on hand, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by the general laws, is hereby authorized, empowered and directed by the Legislature to prevent expenditures in excess of the amounts made available by this Act for the purpose of meeting appropriations by equitably reducing, in proportion to the amounts of the respective appropriations, and without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution, or subdivision of the State Government that will actually impair the necessary constitutional functions of government.

Any unexpended or unencumbered balance appropriated and designated for capital outlay remaining at the end of the fiscal year of 1946-1947 shall not lapse to the General Expenditure Fund, but may be encumbered and expended in the fiscal year of 1947-1948.

3.

To carry out the purpose of this act for the ensuing biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an over-

draft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the general fiscal year ending June 30, 1946, or for the fiscal year of the State Board Fund ending March 31, 1946, and nothing in this Act is to be construed to amend or alter the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance.

All continuing appropriations in existence at the time this Act takes effect are hereby discontinued and repealed, except that the sum appropriated for capital outlays by paragraph (k) of Item 26 of Part One of Chapter 1 of the Acts of the Second Extraordinary Session of 1944 shall continue to be held and used as provided in said Act for the period and for the purposes provided in said Act.

Mr. Howell moved that the House do now refuse to concur in said Substitute and request that the Senate recede from the amendment by way of Substitute.

Said motion was agreed to, and

Thereupon the House refused to concur in said amendment by way of Substitute as proposed and adopted by the Senate.

Ordered that the Chief Clerk report the action of this House to the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 369. An Act relating to the retirement of teachers in non-educational State Institutions of Kentucky.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

That teachers and supervisors of instruction holding valid certificates issued by the State Department of Education and employed in, entering upon, or transferring to teaching service in the non-educational State Institutions of Kentucky under the direction of the Department of Welfare may by request be accepted by the Board of Trustees to come into or continue in membership and pay their retirement contributions to the Teachers' Retirement System of the State of Kentucky under such rules and regulations as the Board of Trustees of said Retirement System may adopt for payment of said contributions and which are not inconsistent with the retirement laws of the Teachers' Retirement System.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. K. Coleman	C. L. Hammonds
Roy W. Arnold	Fred Creasey	Harold G. Helm
F. O. Baker	S. J. Daugherty	E. R. Hilton
Harold L. Barnes	L. A. Demumbrun	Clyde S. Howard
F. H. Bassett, Jr.	Adron Doran	Jerry F. Howell
Ott Begley	Forest C. Easley	J. J. Huff
W. G. Biggers	Bernie S. Edlin	Ira W. Hulette
Jack Bingham	Eck Embry	Kerby Jennings
B. J. Bonn	R. R. Ernst	Paul Jonas
J. C. Bradley	A. H. Eversole	B. F. Kincaid
B. K. Brantley	Henry J. Giles	G. O. Kirkpatrick
John Y. Brown	Tom Gilliam	Edgar Kitchen
Mrs. Mary Burnett	M. B. Gilligan	Homer E. Losey
Chas. W. Burnley	Otto W. Goff	A. L. Love

H. K. Lowman	Sylvester Phillips	L. S. Stephens
E. J. Lucas	L. W. Preston	Ralph G. Stone
E. H. Martin	E. F. Prichard	C. W. Taylor
W. E. McClure	Hobart Rayburn	E. L. Thompson
Jack McPherron	Wade H. Riley	Ray G. Tipton
Harry L. Moore	Kelse H. Risner	E. N. Todd
J. L. Moore	Amos Runyan	Walter L. Trivette
J. Lee Moore	J. W. Simmons	S. J. Wagner
Fred Morgan	Luther Slusher	Harry F. Walters
Joe T. Morgan	Forrest Smith	Lyle H. Webb
E. C. Mullins	W. R. Smith	W. W. Webster
Rodes K. Myers	Paul J. Stapleton	Morris Weintraub
Louis T. Peniston	Geo. W. Steinford	John Wilborn

—81

Resolved that the title thereof be as aforesaid.

Mr. Losey moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Brown moved that a bill entitled:

H. B. 62. An Act relating to inheritance taxes, etc.

Be made a Special Order of the Day, for Wednesday, March 6, at two o'clock p. m.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 321. An Act amending and re-enacting subsec. 2 of KRS 281.480 pertaining to motor carriers and providing for a tax or registration fee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sub-section 2 of KRS 281.480 is amended to read as follows:

(2) The weight tax imposed by this section does not apply to motor vehicles operated by a common carrier or contract carrier for hire under a certificate issued it by the Division of Motor Transportation where such motor vehicle does not enter the State of Kentucky a distance of more than fifteen miles from its point of entry into this state, but such motor vehicles shall be registered annually with the Division of Motor Transportation and an annual tax or registration fee of ten dollars paid therefor. The Division of Motor Transportation shall thereupon issue an evidence of such registration which shall at all times be prominently displayed on such vehicle while in this state.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Bernie S. Edlin	B. F. Kincaid
F. O. Baker	Eck Embry	G. O. Kirkpatrick
F. H. Bassett, Jr.	A. H. Eversole	Edgar Kitchen
Ott Begley	Henry J. Giles	Homer E. Losey
W. G. Biggers	Tom Gilliam	A. L. Love
Jack Bingham	M. B. Gilligan	H. K. Lowman
J. C. Bradley	Otto W. Goff	E. J. Lucas
John Y. Brown	R. M. Hall	E. H. Martin
Mrs. Mary Burnett	C. L. Hammonds	W. E. McClure
Chas. W. Burnley	Harold G. Helm	Jack McPherron
W. K. Coleman	E. R. Hilton	Harry L. Moore
S. J. Daugherty	Clyde S. Howard	J. L. Moore
L. A. Demumbrun	Jerry F. Howell	J. Lee Moore
E. R. Denny	Ira W. Hulette	Fred Morgan
Adron Doran	W. H. Hunt	Joe T. Morgan
G. I. Drury	Kerby Jennings	E. C. Mullins
Forest C. Easley	Paul Jonas	Rodes K. Myers

J. C. Newcomb	Luther Slusher	Ray G. Tipton
Joe E. Nunn	Forrest Smith	E. N. Todd
Louis T. Peniston	W. R. Smith	W. L. Trivette
L. W. Preston	E. A. Spencer	S. J. Wagner
E. F. Prichard	Paul J. Stapleton	Harry F. Walters
Wade H. Riley	Geo. W. Steinford	W. W. Webster
Kelse H. Risner	L. S. Stephens	Rodney Whitlow
Amos Runyan	C. W. Taylor	John Wilborn
J. W. Simmons	E. L. Thompson	—77

Resolved that the title thereof be as a foresaid.

Mr. Coleman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 230. An Act relating to the establishment by cities of artificial gas systems.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, the term "Acquire" shall mean and include construct, acquire by purchase, by lease, devise, gift, or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof and acquisition by any other mode.

§ 2. (1) Any city may acquire, maintain and operate an artificial gas system, together with extensions and necessary appurtenances thereto within or without the limits of the city.

(2) If any such artificial gas system is acquired from a company having a franchise, such system may be acquired as an electric plant may be required under the provisions of KRS 96.550 to 96.900, except as otherwise provided in this Act.

§ 3. (1) Before any city may acquire, maintain or operate any such artificial gas system, the legislative body of the city shall pass an ordinance declaring it desirable that this be done, and shall prepare an estimate of the probable cost of the system. If revenue bonds are to be issued to pay the cost the ordinance shall so provide. An election shall be had on the adoption of the ordinance if a number of legal voters of the city equal to twenty-five percent of the total number of votes cast in city at the last regular election file a petition within ten days after the ordinance is passed asking that the question of approval of the ordinance be submitted to a vote of the people. If the petition is filed the election shall be held at the next regular election held in the city.

(2) If an election is petitioned for, the presiding officer of the city shall certify the ordinance to the county court clerk, who shall cause to be printed on the ballots for use in the city the question: "Are you in favor of acquiring, maintaining and operating an artificial gas system in accordance with the estimate of cost adopted by the ..... (here insert name of city) and the issuance of revenue bonds in the amount of $.....(here insert total face amount of bonds estimated by the legislative body of the city to be necessary to pay the cost of the system, based upon the estimate of cost)". Opposite the question shall be printed "Yes" and "No", with the proper squares for stamping. The presiding officer of the city shall advertise the election and its object for at least seven days before the date of the election in the newspaper having the largest circulation in the city, or by handbills posted at not less than four conspicuous places in each voting precinct in the city and at the door of the City Hall. All legal voters of the city may vote at the election.

(3) If an election is held, the city shall not acquire, maintain or operate the system or issue revenue bonds unless a majority of all the qualified voters voting on the question vote in favor thereof.

(4) Before revenue bonds are issued the legislative body of the city shall select the location of the system, prepare the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land, right

of way, constructions, franchises and easements necessary for the construction of the system.

§ 4. (1) Except where an election has been held and the proposition has been defeated, any city may borrow money and issue negotiable bonds, but only after an ordinance has been adopted specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest the bonds are to bear. The ordinance shall further provide that the proposed system, with necessary appurtenances thereto, is to be acquired pursuant to the provisions of this Act. Any bonds issued under the provisions of this Act shall be payable solely from the revenue derived from the operation of the artificial gas system, and shall not constitute an indebtedness of the city within the meaning of the Constitution.

(2) Money received from bonds issued as provided in subsection (1) of this section may be used to advance the expense of operation and maintenance for one month after the establishment of the system. If a surplus is accumulated, from revenue, in the operation and maintenance fund equal to the cost of maintaining and operating the artificial gas system during the remainder of the calendar, operating or fiscal year, as may be provided by ordinance on or before issuance of the bonds, the legislative body of the city may at any time transfer the excess to the depreciation account to be used for any improvements or additions to the system.

(3) Except as provided in subsection (2) of this section, all of the provisions of KRS 96.380, 96.500 shall be applicable to proceedings under this Act.

§ 5. (1) Any city acquiring any such artificial gas system under the provisions of this Act may by ordinance provide for the appointment of a commission of seven members to operate, manage and control the system, which commission shall be known as the "..... Artificial Gas Commission." The commission shall provide rules, regulations and by-laws for the artificial gas system and shall, out of the revenue of the system, pay necessary operating expenses, repairs and additions thereto, and provide a sufficient reserve fund to insure that the system is kept in repair and in safe and sanitary condition and to provide against any

emergency that may arise. The commission shall from time to time pay to the city the surplus revenue derived from the operation of the system as provided in this Act.

(2) In order that the commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who is related within the third degree to the mayor or any member of the legislative body of the city. The commission shall not appoint, to any subordinate office created by it, any person who is related to any member of the city legislative body or to the mayor or chief executive of the city, or to any member of the commission. No officer or employe of the city, whether holding a paid or unpaid office, shall be eligible to be a member of the commission. The members of the commission shall be citizens, taxpayers and legal voters of the city and shall not at the time of their appointment be indebted to the city or be surety on the official bond of any officer of the city. No member of the commission shall be interested in any contract for the furnishing of supplies or services of any kind to the system, or to the city. If at any time during his term of office any member of the commission becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his office on the commission and another person shall be appointed.

(3) Each commissioner shall execute bond with a surety company in the penal sum of one thousand dollars, conditioned upon the faithful performance of his official duties. The bonds shall be approved by the legislative body of the city and the premiums shall be paid by the city. An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

(4) The members of the commission shall serve without compensation.

(5) The first artificial gas commission appointed in each city under this section shall be appointed for terms as follows: Two members for a term of one year, two for a term of two years, and three for a term of three years. Upon the

expiration of the first terms, successors shall be appointed for a term of three years.

§ 6. This Act is intended to create an additional and alternate method for the acquisition of the artificial gas systems mentioned in section 2 of this Act, and is not intended to alter, amend or repeal any other statute.

Mr. Weintraub offered the following amendment to said bill, viz.:

Amend H. B. 230 on pages 1, 2, 3, 4, and 5 by striking out the word "artificial" in the following places:

Page 1, sec. 2, lines 1 and 4

Page 1, sec. 3, line 2

Page 2, sec. 4, line 15

Page 3, sec. 4, lines 9 and 16

Page 3, sec. 5, line 1

Page 4, sec. 5, lines 5 and 6

Page 5, sec. 5, line 40

Page 5, sec. 6, line 2.

Said amendment was disagreed to.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	E. R. Hilton	Louis T. Peniston
F. O. Baker	Clyde S. Howard	Sylvester Phillips
F. H. Bassett, Jr.	Maurice Howard	L. W. Preston
Ott Begley	Jerry F. Howell	E. F. Prichard
Jack Bingham	Ira W. Hulette	Wade H. Riley
J. C. Bradley	Paul Jonas	Kelse H. Risner
John Y. Brown	B. F. Kincaid	Amos Runyan
Mrs. Mary Burnett	G. O. Kirkpatrick	J. W. Simmons
Chas. W. Burnley	Edgar Kitchen	Luther Slusher
S. J. Daugherty	Homer E. Losey	Forrest Smith
L. A. Demumbrun	A. L. Love	E. A. Spencer
E. R. Denny	H. K. Lowman	Geo. W. Steinford
Adron Doran	E. H. Martin	Ralph G. Stone
G. I. Drury	W. E. McClure	C. W. Taylor
Forest C. Easley	Jack McPherron	E. L. Thompson
Bernie S. Edlin	Harry L. Moore	Ray G. Tipton
Eck Embry	J. L. Moore	E. N. Todd
R. R. Ernst	Fred Morgan	Walter L. Trivette
A. H. Eversole	Joe T. Morgan	Harry F. Walters
Henry J. Giles	E. C. Mullins	Lyle H. Webb
Tom Gilliam	Rodes K. Myers	W. W. Webster
M. B. Gilligan	J. C. Newcomb	Geo. J. Weining
Otto W. Goff	Thos. A. Noe	Lawrence Wells
C. L. Hammonds	Joe E. Nunn	John Wilborn

—72

There voted in the negative—

Kerby Jennings —1

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 375. An Act to control and prevent the spread of infectious and communicable diseases among poultry.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Before any baby chicks or baby poults are offered for sale at any auction or auctions, sale barn, or community sale, except public sales conducted by farmers selling baby chicks or baby poults reared on their own premises, a permit shall be secured from the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian.

2. Any person who desires to offer baby chicks or baby poults for sale at any auction or auctions, sale barn, or community sale, shall apply to the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, for a permit to hold such sale. A form shall be prescribed and furnished by the Livestock Sanitary Division of the Department of Agriculture. This application shall be submitted at least three days before the sale to allow time for inspection of the chicks or poults offered, by a representative of the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, before any chicks or poults are sold. This application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breed of the chicks or poults to be offered for sale, and the person or firm by whom they were produced, and shall be accompanied by a fee in the sum of one dollar ($1.00) per hundred chicks or poults to be offered for sale. The Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, shall be authorized in their discretion to grant or to deny the permit requested in such application, and if deemed necessary or advisable to require the applicant to submit a certificate in such form as the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, may prescribe, certifying that the baby chicks or baby poults which may be offered for sale are in healthy condition.

3. Before any such chicks or poults are offered for sale, or sold, each box, crate, coop or other container, shall be plainly labeled with appropriate statement giving the kind and number of chicks or poults in each container, the date on which such chicks or poults were hatched, and by whom hatched, and any other representations at or prior to the time of sale relative to the purity of the breed, the freedom of such chicks or poults from disease, such as chick bronchitis, and official certification that tests have been made on the parent stock for pullorum disease and that such flock is U. S. Pullorum-Tested, U. S. Pullorum-Controlled, U. S. Pullorum-Passed or U. S. Pullorum-Clean. The container should also specify whether it contains males, females or unsexed chicks or poults.

4. Within three days after the sale shall have been held, the person who conducted the sale shall submit a statement to the Livestock Sanitary Division of the Department of Agriculture, or the State Veterinarian, giving a complete list of the number and kind of baby chicks or poults sold, name and address of each purchaser, together with a copy of representation and guarantee made in relation thereto, if any were made by the person who conducted such sale, and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representation and guarantee as is the person who set forth such representation and guarantee on the containers as provided in Section 3 of this act.

5. On inspection by the representative of the Livestock Sanitary Division of the Department of Agriculture, or State Veterinarian, if the chicks or poults offered for sale are found to be diseased, the representative may confiscate all chicks or poults found to be diseased and may destroy said chicks and poults.

6. The term "Baby Chicks" or "Baby Poults" as used in this act means any domestic fowl under the age of six weeks. The term "Person" includes also firms and corporations.

7. Any person who violates any provision of this act or the regulations made under this act for carrying out its pro-

visions, or who fails or refuses to comply with or intends to deceive or who answers or represents falsely in response to any requirement of this act, or who willfully interferes with the Livestock Sanitary Division of the Department of Agriculture, or State Veterinarian, their employees or agents, in the carrying out of their duties provided in this act, shall be guilty of a misdemeanor.

8. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed $100.

9. All money collected under the provisions of this act shall be paid to the State Treasurer and by him placed in a Revolving Fund to be used by the Kentucky Department of Agriculture for the purpose of enforcing the provisions of this act.

10. Inasmuch as the spring of the year is the hatching season and the unscrupulous handling of chicks is causing great loss to the purchasers of chicks in Kentucky, an emergency is hereby declared to exist for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage and approval by the Governor of the Commonwealth.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	John Y. Brown	Adron Doran
Roy W. Arnold	Mrs. Mary Burnett	G. I. Drury
F. O. Baker	Chas. W. Burnley	Forest C. Easley
F. H. Bassett, Jr.	W. K. Coleman	Eck Embry
Ott Begley	Fred Creasey	R. R. Ernst
Jack Bingham	S. J. Daugherty	A. H. Eversole
J. C. Bradley	L. A. Demumbrun	Henry J. Giles

Tom Gilliam	W. E. McClure	J. W. Simmons
M. B. Gilligan	Jack McPherron	Luther Slusher
R. M. Hall	Harry L. Moore	Forrest Smith
C. L. Hammonds	J. L. Moore	W. R. Smith
Harold G. Helm	J. Lee Moore	Geo. W. Steinford
E. R. Hilton	Fred Morgan	Ralph G. Stone
Clyde S. Howard	Joe T. Morgan	E. L. Thompson
Maurice Howard	E. C. Mullins	Ray G. Tipton
Jerry F. Howell	Rodes K. Myers	E. N. Todd
Kerby Jennings	J. C. Newcomb	Walter L. Trivette
Paul Jonas	Thos. A. Noe	Harry F. Walters
L. H. Jones	Louis T. Peniston	Lyle H. Webb
B. F. Kincaid	Sylvester Phillips	W. W. Webster
G. O. Kirkpatrick	L. W. Preston	Geo. J. Weining
Edgar Kitchen	E. F. Prichard	Rodney Whitlow
Homer E. Losey	Kelse H. Risner	John Wilborn
E. H. Martin	Amos Runyan	—71

Those who voted in the negative were—

Wade H. Riley	Lawrence Wells	—2

Resolved that the title thereof be as aforesaid.

Mr. Bassett moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 438. An Act relating to fowl.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person shall permit any poultry or other domestic fowl to trespass on the property of another, and the owner of such fowl shall be liable for any damage done by the fowl while so trespassing.

§ 2. No person who has in his possession any poultry or other domestic fowl infected with a communicable disease shall:

(1) Knowingly permit such fowl to run at large;

(2) Knowingly keep such fowl where other domestic fowl may become infected with or exposed to the disease; or

(3) Knowingly permit such fowl to go on or along any public highway, or in any field through which flows a stream.

§ 3. Any person who violates any provision of this Act shall be fined not less than fifty dollars nor more than two hundred dollars.

Mr. Hammonds offered the following amendment to said bill, viz.:

Amend H. B. 438 on page 1, sec. 3, line 2 by striking out line 2 in Sec. 3, and substituting in lieu thereof the following:

"fined not less than five dollars nor more than twenty-five dollars."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. G. Biggers	Chas. W. Burnley
Roy W. Arnold	Jack Bingham	Fred Creasey
F. O. Baker	J. C. Bradley	S. J. Daugherty
F. H. Bassett, Jr.	John Y. Brown	L. A. Demumbrun
Ott Begley	Mrs. Mary Burnett	E. R. Denny

Adron Doran	L. H. Jones	Amos Runyan
G. I. Drury	B. F. Kincaid	J. W. Simmons
R. R. Ernst	Edgar Kitchen	Luther Slusher
A. H. Eversole	Homer E. Losey	Forrest Smith
Henry J. Giles	E. H. Martin	W. R. Smith
Tom Gilliam	W. E. McClure	E. A. Spencer
M. B. Gilligan	Jack McPherron	Paul J. Stapleton
Otto W. Goff	J. L. Moore	Geo. W. Steinford
R. M. Hall	J. Lee Moore	Ralph G. Stone
C. L. Hammonds	Fred Morgan	E. L. Thompson
Harold G. Helm	Rodes K. Myers	E. N. Todd
E. R. Hilton	Thos. A. Noe	Walter L. Trivette
Clyde S. Howard	Joe E. Nunn	Harry F. Walters
Maurice Howard	Louis T. Peniston	Lyle H. Webb
J. J. Huff	L. W. Preston	W. W. Webster
Ira W. Hulette	E. F. Prichard	Geo. J. Weining
W. H. Hunt	Wade H. Riley	Rodney Whitlow
Kerby Jennings	Kelse H. Risner	John Wilborn
Paul Jonas		

—70

Those who voted in the negative were—

A. L. Love	Harry L. Moore	E. C. Mullins

—3

Resolved that the title thereof be as aforesaid.

Mr. Hammonds moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 62. An Act providing for the appointment and removal of Deputy Constables in counties containing a population of over 250,000.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 70.320 of Kentucky Revised Statutes be and the same is hereby repealed and re-enacted so that when it is re-enacted it shall provide as follows:

Section 70.320. (1) A Constable may appoint one or more deputies by and with the consent of the County Judge and the Constable and his surety shall be liable on his bond for all the acts and omissions of the deputies. Deputy Constables must be residents of the same district as the Constable by whom they are appointed.

(2) Deputy Constables may be removed at any time, for any cause deemed sufficient by the Constable, by order of the County Court, entered after the filing of a written direction by the Constable.

(3) In Counties containing a population of over two hundred fifty thousand, each Deputy Constable appointed by the Constable shall be exclusively compensated for the performance of the duties of his office by a salary of Twenty-One Hundred Dollars per annum and paid in equal monthly installments out of the County Treasury.

Whereas, in view of the present inadequate compensation paid Deputy Constables in Counties containing a population of over two hundred fifty thousand it is most difficult to obtain competent, capable and qualified men for these positions and in order that the services of such competent men may be obtained at the earliest possible date, an emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval by the Governor.

All acts or parts thereof in conflict with the provisions of this act, are, to the extent of such conflict hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Harold G. Helm	Louis T. Peniston
F. O. Baker	E. R. Hilton	E. F. Prichard
F. H. Bassett, Jr.	Clyde S. Howard	Wade H. Riley
Ott Begley	Maurice Howard	Kelse H. Risner
W. G. Biggers	Jerry F. Howell	Amos Runyan
Jack Bingham	J. J. Huff	J. W. Simmons
J. C. Bradley	Ira W. Hullette	Luther Slusher
John Y. Brown	W. H. Hunt	Forrest Smith
Mrs. Mary Burnett	Paul Jonas	W. R. Smith
Chas. W. Burnley	B. F. Kincaid	E. A. Spencer
Fred Creasey	G. O. Kirkpatrick	Paul J. Stapleton
S. J. Daugherty	Edgar Kitchen	Geo. W. Steinford
L. A. Demumbrun	Homer E. Losey	Ralph G. Stone
E. R. Denny	E. H. Martin	C. W. Taylor
Adron Doran	W. E. McClure	E. L. Thompson
Bernie S. Edlin	Jack McPherron	E. N. Todd
R. R. Ernst	Harry L. Moore	Walter L. Trivette
Henry J. Giles	J. L. Moore	Harry F. Walters
Tom Gilliam	J. Lee Moore	Lyle H. Webb
M. B. Gilligan	Fred Morgan	W. W. Webster
Otto W. Goff	E. C. Mullins	Geo. J. Weining
R. M. Hall	Rodes K. Myers	Rodney Whitlow
C. L. Hammonds	J. C. Newcomb	John Wilborn

—69

Resolved that the title thereof be as aforesaid.

Mr. Stone moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 77. An Act relating to bonds of sheriffs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Each sheriff who, under the provisions of KRS 62.140(2), 62.150, 64.120 or 64.130, would not be entitled to have a claim

against the state for the amounts paid for premiums on the bonds required of him by law, shall have a valid claim against the state for the amounts paid by him for premiums on such bonds, when the bonds have been executed by an incorporated surety company authorized to do a surety business in Kentucky, and when the claims are verified by his affidavit.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	J. C. Newcomb
Roy W. Arnold	Harold G. Helm	Thos. A. Noe
F. O. Baker	E. R. Hilton	Joe E. Nunn
F. H. Bassett, Jr.	Clyde S. Howard	Louis T. Peniston
Ott Begley	Maurice Howard	Sylvester Phillips
W. G. Biggers	Jerry F. Howell	L. W. Preston
Jack Bingham	J. J. Huff	E. F. Prichard
J. C. Bradley	Ira W. Hulette	Kelse H. Risner
John Y. Brown	W. H. Hunt	Amos Runyan
Mrs. Mary Burnett	Kerby Jennings	J. W. Simmons
Chas. W. Burnley	Paul Jonas	Luther Slusher
W. K. Coleman	L. H. Jones	Forrest Smith
Fred Creasey	B. F. Kincaid	W. R. Smith
L. A. Demumbrun	G. O. Kirkpatrick	Geo. W. Steinford
E. R. Denny	Edgar Kitchen	Ralph G. Stone
Adron Doran	Homer E. Losey	C. W. Taylor
Forest C. Easley	A. L. Love	E. L. Thompson
Bernie S. Edlin	E. H. Martin	E. N. Todd
Eck Embry	W. E. McClure	Walter L. Trivette
R. R. Ernst	Jack McPherron	Harry F. Walters
A. H. Eversole	Harry L. Moore	W. W. Webster
Tom Gilliam	J. L. Moore	Geo. J. Weining
M. B. Gilligan	J. Lee Moore	Lawrence Wells
Otto W. Goff	Fred Morgan	Rodney Whitlow
R. M. Hall	Rodes K. Myers	John Wilborn

—75

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 23. An Act providing for the taking of the sense of the people of the State as to the necessity of calling a convention, etc.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Act of the 1944 General Assembly providing for taking the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to same, as provided by Section 258 of the present Constitution of Kentucky, which Act was compiled as Chapter 4 of the Acts of the 1944 General Assembly, is hereby concurred in, and for that purpose it is enacted that the sense of the people of the state as to the necessity and expediency of calling a convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, shall be taken as herein provided and as provided by Section 258 of the present Constitution of Kentucky.

§ 2. In accordance with the requirements of Section 258 of the present Constitution of Kentucky, it is hereby provided that a poll shall be opened in each voting precinct in this state, by the officers provided by law for holding general elections, at the next ensuing regular election to be held for members of the House of Representatives which does not occur within ninety days from the final passage of this Act, at which time and places the votes of the qualified voters

shall be taken for and against calling a convention, in the same manner provided by law for taking votes in other state elections. Such poll shall be opened as follows: The Secretary of State, not less than forty days before the day of the election above referred to, shall certify to the county clerk of each county, to be printed on the ballots for such election, the following question: "Are you in favor of the calling of a convention for the purpose of revising or amending the present Constitution of Kentucky, and such amendments as may have been made to the same?"; and the county clerk of each county shall have the question, as so certified, printed on the ballots for the election, with two spaces upon the right, one for votes favoring the question to be designated by the word "Yes" and one for votes opposing the question to be designated by the word "No."

§ 3. Upon the poll being opened as provided in this Act, the procedure thereafter shall be as provided in Section 258 of the present Constitution of Kentucky.

§ 4. Before any Constitution agreed upon by a convention that may be called pursuant to this Act and to Section 258 of the present Constitution shall take effect and become operative, the same shall be submitted to the qualified voters of this Commonwealth, after at least ninety days' notice, and ratified by a majority of those voting.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	W. G. Biggers	Mrs. Mary Burnett
F. O. Baker	Jack Bingham	Chas. W. Burnley
F. H. Bassett, Jr.	J. C. Bradley	W. K. Coleman
Ott Begley	John Y. Brown	S. J. Daugherty

L. A. Demumbrun	W. H. Hunt	Wade H. Riley
E. R. Denny	Kerby Jennings	Kelse H. Risner
Adron Doran	Paul Jonas	Amos Runyan
G. I. Drury	Edgar Kitchen	J. W. Simmons
Forest C. Easley	Homer E. Losey	Luther Slusher
Bernie S. Edlin	E. H. Martin	Forrest Smith
Eck Embry	W. E. McClure	W. R. Smith
R. R. Ernst	Jack McPherron	E. A. Spencer
Henry J. Giles	Harry L. Moore	Geo. W. Steinford
Tom Gilliam	J. L. Moore	Ralph G. Stone
M. B. Gilligan	J. Lee Moore	C. W. Taylor
Otto W. Goff	Fred Morgan	E. L. Thompson
R. M. Hall	E. C. Mullins	E. N. Todd
C. L. Hammonds	Rodes K. Myers	Walter L. Trivette
Harold G. Helm	J. C. Newcomb	Harry F. Walters
E. R. Hilton	Thos. A. Noe	Lyle H. Webb
Clyde S. Howard	Joe E. Nunn	W. W. Webster
Maurice Howard	Louis T. Peniston	Geo. J. Weining
Jerry F. Howell	Sylvester Phillips	Rodney Whitlow
J. J. Huff	L. W. Preston	John Wilborn
Ira W. Hulette	E. F. Prichard	—74

Those who voted in the negative were—

A. H. Eversole	L. H. Jones	Lawrence Wells

—3

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 31. An Act providing for the manner of holding primary and regular elections in cities of the third class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 89.090 of the Kentucky Revised Statutes is repealed and there is enacted in lieu thereof the following provisions for the manner of holding primary and regular elections in cities of the third class;

Primary Elections in Third-Class City:

(1) In cities of the third class no person shall be elected

to the office of Mayor, Police Judge, Prosecuting Attorney of the Police Court and City Commissioner, without first having been nominated in the manner prescribed by this section.

On the third Saturday before the regular election day there shall be held a primary election. The primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the regular election.

(2) Each applicant for nomination shall, at least ten days before the day for the primary election, file with the county clerk a petition signed by at least seventy-five voters in the following form:

"We the undersigned, qualified voters of the city of ....., and residing each at the place indicated opposite his name, do hereby request that the name of ..... be placed on the ballot as that of an applicant for nomination for the office of ..... at the primary election to be held in our city on the Third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a person of good character; and he is, in our judgment, qualified for the duties of the office sought by him.

Name	Number	Street
.....	.....	.....
.....	.....	.....
.....	.....	.....

The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No voter shall sign more than one petition with reference to each office that is to be filled. If a person signs more than one petition of applicants for nomination for mayor or police judge, or signs the petitions of more than two applicants for nomination for commissioners, the name of that petitioner shall not be counted as a valid name on any petition.

(3) Immediately upon the expiration of the time for filing the petitions, the county clerk shall have published for three successive days in the official newspaper of the city, and

in such other papers as he may designate, the names of the persons as they will appear upon the primary ballots and shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature.

(4) Subsection (3) of this section shall not apply, in a city of the third class, if it appears, immediately upon the expiration of the time for filing petitions, that there are only two applicants for nomination for mayor, police judge and prosecuting attorney of the police court, and only four for commissioners. In that case the two applicants for mayor, police judge or prosecuting attorney of the police court and the four applicants for commissioners shall be thereupon nominated and their names shall not be placed upon the primary ballot, and no primary election shall be held for nomination for those offices, but the county clerk shall have their names placed on the regular ballot for the general election.

(5) The names of the applicants for each nomination shall be placed on the ballots for the primary election in alphabetical order, with a square at the right of each name. Above the names of the applicants for nomination for mayor, police judge and prosecuting attorney for the police court shall be printed the words "Vote for one," and above the names of the applicants for nomination for commissioners shall be printed the words "Vote for two." The ballots shall contain no party designation or emblem of any kind, nor any sign indicating any applicant's political belief or party affiliation.

(6) After the ballots are printed, the county clerk shall have delivered at each polling place a number of ballots equal to twice the number of votes cast in the polling precinct at the last preceding election for mayor. The persons who are qualified to vote at the regular municipal election shall be qualified to vote at the primary election, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at the primary election.

(7) The two applicants receiving the highest number of votes for nomination for mayor, the two applicants for nomination for police judge and the two applicants for nomination for prosecuting attorney for the police court, receiving

the highest number of votes for nomination shall be thereby nominated. The four applicants receiving the highest number of votes for nomination for commissioners shall be thereby nominated.

(8) The expenses of the primary election shall be paid by the City. At the regular election following the primary election, which shall be held on the November election day, the names of the nominees shall be placed in alphabetical order upon the ballots like those used in the primary election, except that the regular election ballots shall contain only the names of the successful nominees. The nominee receiving the greatest number of votes cast for mayor, the nominee receiving the greatest number of votes cast for police judge and the nominee receiving the greatest number of votes for prosecuting attorney for the police court, and the two nominees receiving the greaetst number of votes cast for commissioners shall be elected, respectively, mayor, police judge, prosecuting attorney for the police court and commissioners.

(9) At all elections held under the commission form of government in a city of the third-class for mayor, police judge, prosecuting attorney for the police court and city commissioners, the ballot shall be on a different sheet from all other ballots to be used in the election and shall be in the form therein prescribed, except the words "City Ballot" shall be at the head thereof, and the names of all candidates for each office shall be printed on the ballot in a single column, and above the names of each group of candidates shall be printed the name of the office they are candidates for.

(10) The sheriff of the county shall provide for each precinct in the city a separate box for the reception of ballots used in the election of the municipal officers. The election officers in each precinct shall issue the ballots provided for by this election in the same manner as other ballots are issued in the regular election, and observe as to these ballots such regulations for the issuance and deposit of ballots as may be prescribed for elections generally. The provisions of the general election laws as to the duties of the county clerk, sheriff and other officers holding and conducting said elections, and the preservation and counting of the ballots, shall

govern the conduct of the city elections in cities of the third class.

(11) The expenses of the city general election shall be paid by the city to the extent of the special ballots and special expenses incurred thereby.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Maurice Howard	Sylvester Phillips
Ott Begley	Jerry F. Howell	L. W. Preston
Jack Bingham	J. J. Huff	E. F. Prichard
John Y. Brown	Ira W. Hulette	Wade H. Riley
Mrs. Mary Burnett	W. H. Hunt	Kelse H. Risner
Chas. W. Burnley	Kerby Jennings	Amos Runyan
W. K. Coleman	Paul Jonas	Luther Slusher
S. J. Daugherty	L. H. Jones	W. R. Smith
L. A. Demumbrun	B. F. Kincaid	Geo. W. Steinford
E. R. Denny	G. O. Kirkpatrick	Ralph G. Stone
Forest C. Easley	A. L. Love	E. L. Thompson
Bernie S. Edlin	H. K. Lowman	Ray G. Tipton
Eck Embry	E. H. Martin	E. N. Todd
R. R. Ernst	Jack McPherron	Walter L. Trivette
A. H. Eversole	Harry L. Moore	S. J. Wagner
Henry J. Giles	J. L. Moore	Harry F. Walters
Tom Gilliam	J. Lee Moore	Lyle H. Webb
M. B. Gilligan	Fred Morgan	W. W. Webster
Otto W. Goff	Joe T. Morgan	Geo. J. Weining
R. M. Hall	E. C. Mullins	Morris Weintraub
C. L. Hammonds	Rodes K. Myers	Rodney Whitlow
Harold G. Helm	J. C. Newcomb	John Wilborn

—66

Those who voted in the negative were—

Fred Creasey	W. E. McClure	Paul J. Stapleton
G. I. Drury	Thos. A. Noe	

—5

Mr. J. Lee Moore offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 31 by adding thereto the following:

This Act shall be known as the Kincaid Act.

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Kincaid moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Howell moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 6, 1946

The House was called to order by The Honorable Harry Lee Waterfield, Speaker.

The House was opened with prayer by the Reverend W. B. Campbell of the Methodist Church of Frankfort.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson	F. H. Bassett, Jr.	J. C. Bradley
Roy W. Arnold	Ott Begley	B. K. Brantley
Henry Arrowood	W. G. Biggers	John Y. Brown
F. O. Baker	Jack Bingham	Mrs. Mary Burnett
Harold L. Barnes	B. J. Bonn	Chas. W. Burnley

W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
E. R. Denny
Adron Doran
G. I. Drury
Forest C. Easley
Bernie S. Edlin
Eck Embry
R. R. Ernst
A. H. Eversole
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
Harold G. Helm
E. R. Hilton
Maurice Howard
Jerry F. Howell
J. J. Huff
Ira W. Hulette
Kerby Jennings
Paul Jonas
L. H. Jones
B. F. Kincaid
G. O. Kirkpatrick
Edgar Kitchen
Homer E. Losey
A. L. Love
H. K. Lowman
E. J. Lucas
E. H. Martin
W. E. McClure
Jack McPherron
Harry L. Moore
J. L. Moore
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
J. C. Newcomb
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
C. W. Taylor
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Lyle H. Webb
W. W. Webster
Geo. J. Weining
Morris Weintraub
Lawrence Wells
Rodney Whitlow
John Wilborn
Mr. Speaker

Mr. Howell moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hilton moved that the privilege of the floor be extended to Messrs. G. W. Burchett, Oscar Sammons, Andy Hamilton, John Griffith and William Lawson.

Said motion was agreed to.

Mr. Denny moved that the privilege of the floor be extended to Messrs. Curd Brock, W. L. Hiatt and E. B. Thompson.

Said motion was agreed to.

At the instance of the Committee on Rules, the following bills were introduced, viz.:

By Mr. Losey.

H. B. 507. An Act providing for the distribution of school equalization funds.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 157.051 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in KRS 157.052 to 157.055:

(1) "Equalization fund" means a special fund of ten per cent of the total appropriation for common school fund, appropriated by the General Assembly for the specific purpose of equalizing education service in the less able local school districts of Kentucky.

(2) "Adjusted recurring revenue" means all recurring revenue other than that produced by a subdistrict tax and that received by a school district from the equalization fund; provided that in a county school district only the amount of ad valorem revenue is included that was accrued at the tax rate of seventy-five cents per one hundred dollars of assessed valuation of property subject to local taxation, and that in an independent school district only the amount of ad valorem revenue is included that was accrued at the tax rate of one hundred cents per one hundred dollars of assessed valuation of property subject to local taxation.

(3) "Arithmetic mean index" means the quotient obtained when the sum of the average daily membership and the average daily attendance in a school district is divided by two.

(4) "Net ability index" means the quotient obtained when the total adjusted recurring revenue of a school district is divided by the arithmetic mean index.

Section 2. Section 157.052 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The equalization fund shall be distributed and administered under the direction of the Superintendent of Public Instruction with the approval of the State Board of Education, as provided in KRS 157.053 to 157.055.

Section 3. Section 157.053 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Any board of education that has had its budgets and salary schedule for the ensuing year approved by the State Board of Education, whose ratio of assessed valuation of property to fair cash value is equal to the average ratio throughout the state, as certified to the State Board of Education by the Kentucky Tax Commission, and has levied for school purposes a tax of at least seventy-five cents on each one hundred dollars of property subject to local taxation and not less than the ad valorem tax levy made for the previous school year, shall have the privilege of applying for aid from the equalization fund.

(2) The Superintendent of Public Instruction shall make a careful study to determine annually the amount of adjusted recurring revenue that is available for the education of each pupil based on average daily membership and average daily attendance in the public schools in each school district in Kentucky. This study which shall be used as a basis for the distribution of moneys from the equalization fund, shall be based upon records and reports for the school year ending June 30 immediately preceding such study. After all school districts in the state have been arranged in a rank order from high to low according to their net-ability indices, the Superintendent of Public Instruction with the approval of the State Board of Education, shall distribute the equalization fund to districts qualifying under this Act so that, when the total adjusted recurring revenue of all participating districts plus the total equalization appropriation is divided by the total arithmetic mean indices of all participating districts, it will give the the same amount of money per pupil per year represented in the arithmetic mean index in each participating school district.

By Mr. Doran.

H. B. 508. An Act providing for a Commission to make a factual and comprehensive survey of the Educational Sytem of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is created an Educational Survey Commission consisting of three members of the Senate, to be appointed by the President Pro Tem, and three members of the House of Representatives, to be appointed by the Speaker. Not more than two of the members appointed from the Senate, and not more than two of the members appointed from the House of Representatives, shall be members of the same political party. The members shall hold office until the next regular session of the General Assembly. Any vacancy in the membership from the Senate shall be filled by appointment by the President Pro Tem, and any vacancy in the membership from the House of Representatives shall be filled by appointment by the Speaker. The members shall meet promptly following their appointment and organize by selecting a chairman from their membership. Four members of the Commission shall constitute a quorum for the purpose of doing business.

§ 2. The Commission may hold such meetings as may be deemed necessary to accomplish its functions, such meetings to be held at the call of the chairman, upon his own motion or upon the written request of five members. The members of the Commission shall receive their necessary traveling expenses in attending meetings of the Commission and otherwise in carrying out the functions of the Commission.

§ 3. The Commission may employ and fix the compensation of such secretarial and clerical assistants, and such technical and research assistants, as it deems necessary to effectuate the purposes of this Act.

§ 4. The Commission shall make or cause to be made a factual and comprehensive study of the educational system of Kentucky, including all factors and features that bear

upon educational standards and facilities. Such study shall include, among other things:

(1) The adequacy of present methods and practices of school taxation.

(2) The percent of total educational costs which should be borne by the state.

(3) The basis that should be used in allocation and distribution of the Equalization Fund.

(4) The rates and kinds of local taxes that are and should be levied for school purposes.

(5) The particular purposes for which the Common School Fund should be used in aid of education in common schools.

(6) The respective percentages of school funds that are and should be used for various purposes, such as teachers' salaries, transportation, supervision, and building maintenance.

(7) The adequacy of the present system and facilities for transportation of pupils.

(8) The advantage of consolidating or reorganizing local school units.

(9) Any subject or matter relating to education that may affect the general welfare of the Commonwealth or the opportunities or well-being of the citizens of the Commonwealth.

§ 5. The Commission shall make a detailed report of its findings and conclusions to the 1946 General Assembly, and shall submit recommendations for such legislation as it deems necessary.

§ 6. There is hereby appropriated to the Educational Survey Commission, out of the General Expenditure Fund, for the purpose of carrying out the provisions of this Act, the sum of $45,000. Such sum shall be available for expenditure during the balance of the current fiscal year ending June 30, 1946, and for the fiscal years 1946-1947 and 1947-1948. Any portion of such sum not expended or encumbered shall not lapse as of the end of the current fiscal year, or as of the end of the 1946-1947 fiscal year.

§ 7. Whereas, the general welfare of the citizens of the Commonwealth demands that immediate steps be taken to improve the educational opportunities available to children of school age, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bills be printed and referred

To Committee on Rules.

Mr. Prichard moved that a resolution entitled:

H. Res. 65. Resolution authorizing Elizabeth McDonald to sue the Commonwealth.

Which was reported by the Committee on Claims on February 21, with the expression of opinion that said resolution ought not to pass,

Be advanced to a reading, the report of the Committee to the contrary notwithstanding.

Said motion was agreed to.

Thereupon, said resolution was read at length the first time and ordered to be placed on the Calendar.

Mr. Howell of the Committee on Rules to which the same had been referred, reported bills and resolutions of the following titles, viz.:

H. B. 503. An Act relating to embalmers and Funeral Directors.

H. B. 504. An Act relating to compensation of county jailers.

H. B. 505. An Act relating to Committees to visit state hospitals for the mentally ill.

H. B. 506. An Act creating and relating to the Agricultural and Industrial Development Commission.

H. Res. 105. Resolution authorizing C. S. Rice and E. G. Rice to sue the Commonwealth.

H. Res. 106. Resolution authorizing Robert Ballinger to sue the Commonwealth.

H. Res. 108. Resolution authorizing Raymond Clayton to sue the Commonwealth.

With the expression of opinion that said bills and resolutions ought to pass.

Said bills and resolutions were read at length the first time and ordered to be placed on the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Calendar, bills and resolutions of the following titles, viz.:

H. B. 1. An Act relating to revenue and taxation.

H. B. 7. An Act relating to tax on race tracks.

H. B. 9. An Act relating to State Motor Vehicles usage tax.

H. B. 11. An Act relating to revenue and taxation.

H. B. 15. An Act relating to maximum limits on ad valorem taxes.

H. B. 17. An Act relating to escheat of real estate, title to which is conveyed or devised to charitable, religious or educational institutions.

H. B. 21. An Act relating to pay for jurors.

H. B. 27. An Act relating to pay of elections officers.

H. B. 32. An Act relating to taxes on utilities gross receipts.

H. B. 34. An Act relating to civil service employes of cities of the second class.

H. B. 38. An Act relating to inheritance tax.

H. B. 40. An Act relating to oil and gas royalties.

H. B. 43. An Act relating to sanitation districts.

H. B. 45. An Act relating to sanitation districts.

H. B. 51. An Act relating to water districts.

H. B. 52. An Act relating to water districts.

H. B. 61. An Act relating to divorce.

H. B. 63. An Act relating to Game and Fish.

H. B. 62. An Act relating to stenographers salaries taking down evidence in juvenile court sessions.

H. B. 71. An Act relating to game and fish—changing open seasons, etc.

H. B. 77. An Act to provide that local peace officers, appointed by the Governor shall be paid by the person who applies for their appointment, etc.

H. B. 79. An Act relating to State Colleges.

H. B. 83. An Act relating to contests of elections.

H. B. 84. An Act relating to tax on bank deposits.

H. B. 85. An Act providing exemption by refund of tax on fuel or gasoline used in farm tractors, etc.

H. B. 91. An Act abolishing the Legislative Council.

H. B. 105. An Act concerning railroads, regulating the operation of trains, engines, motors, etc.

H. B. 106. An Act relating to tax on sale of admission to places of amusement or entertainment.

H. B. 112. An Act relating to war veterans.

H. B. 113. An Act relating to revenue and taxation

H. B. 125. An Act relating to primary elections.

H. B. 129. An Act relating to veterans' Division of Department of Military Affairs, with particular reference to personnel of Kentucky Disabled Ex-Service Men's Board.

H. B. 132. An Act relating to execution of death sentence.

H. B. 133. An Act relating to minimum fair wages for women and minors.

H. B. 134. An Act to prohibit discrimination and intimidation on account of race or color in employment.

H. B. 136. An Act relating to the exemption of personal property of intested of widow and infant children.

H. B. 137. An Act relating to Game and Fish.

H. B. 139. An Act repealing Sec. 138.450 KRS.

H. B. 141. An Act providing for appointment and removal of Deputy Constables in county containing 200,000 or more.

H. B. 144. An Act relating to workmen's compensation.

H. B. 146. An Act relating to motor carriers.

H. B. 147. An Act relating to cities of the sixth class.

H. B. 148. An Act providing a bonus of $500 to Kentucky War Veterans.

H. B. 153. An Act imposing a tax on the production of natural gas.

H. B. 154. An Act relating to real estate brokers and salesmen.

H. B. 155. An Act to exclude from gross income the Military pay of members of the armed forces.

H. B. 157. An Act relating to alcoholic beverages.

H. B. 162. An Act relating to Game and Fish.

H. B. 164. An Act relating to tax on distilled spirits and alcohol.

H. B. 169. An Act relating to alcoholic beverages.

H. B. 173. An Act relating to motor vehicles operating as common carriers of passengers for hire.

H. B. 174. An Act relating to pensions for members of fire and police departments in cities of the second class.

H. B. 175. An Act requiring cities of the 1st class to keep a record of all tax bills and special assessments for public improvement in office of county clerk or sheriff.

H. B. 177. An Act requiring cities of 1st class to file in office of Court Clerk a map of said city.

H. B. 183. An Act relating to expenses of electors.

H. B. 185. An Act relating to the preference to be given veterans or veterans' widows in state positions.

H. B. 186. An Act imposing a tax on gasoline.

H. B. 188. An Act relating to Revenue and Taxation.

H. B. 189. An Act relating to rural highway funds.

H. B. 191. An Act relating to enforcement of the law concerning carrying of concealed weapons.

H. B. 190. An Act relating to workmen's compensation.

H. B. 195. An Act authorizing building loans to make loans at variable rates of interest.

H. B. 198. An Act providing for exemption of municipal, county, and state taxes on personal and real property of any person who served in the armed forces.

H. B. 204. An Act relating to places of entertainment as defined in KRS 231.010.

H. B. 205. An Act relating to surveyors.

H. B. 215. An Act imposing an export tax on whiskey.

H. B. 216. An Act relating to tax on sale of admission to places of amusement.

H. B. 220. An Act relating to barber and beauty specialists.

H. B. 221. An Act relating to drainage commissioners, etc.

H. B. 228. An Act relating to Kentucky Aeronautics Commission.

H. B. 231. An Act relating to the sale and purchase of motor vehicles.

H. B. 234. An Act relating to medical scholarships.

H. B. 235. An Act permitting a stenographer for county judge in certain counties.

H. B. 244. An Act relating to coin operated machines.

H. B. 246. An Act appropriating money out of the General Expenditure Fund for public assistance, etc.

H. B. 250. An Act relating to fees of jailers.

H. B. 254. An Act providing for censorship of motion picture films.

H. B. 255. An Act relating to coroners in counties containing cities of first class.

H. B. 256. An Act relating to coroners in counties having a population of 200,000 or more.

H. B. 261. An Act prohibiting the removal by the Governor of any officer appointed by him during said officer's term.

H. B. 264. An Act relating to record books for sheriffs.

H. B. 267. An Act relating to revenue and taxation.

H. B. 268. An Act relating to the condemnation of real property by counties.

H. B. 269. An Act relating to the operation of vehicles upon city streets.

H. B. 271. An Act relating to unemployment compensation.

H. B. 272. An Act relating to Department of Business Regulation.

H. B. 273. An Act relating to the expenditure of sums appropriated by state for construction and maintenance of county roads and bridges.

H. B. 274. An Act constituting the Attorney General

Chief Justice of Court of Appeals, Chairman of Statutes Revision, conferring certain powers on such commissions, etc.

H. B. 279. An Act relating to highways.

H. B. 280. An Act relating to attachments or levies upon shares of stock, etc.

H. B. 281. An Act establishing and creating the Banking Board of Kentucky.

H. B. 283. An Act relating to services for the blind.

H. B. 284. An Act relating to unemployment compensation.

H. B. 286. An Act relating to admission to the practice of law.

H. B. 289. An Act relating to public libraries.

H. B. 290. An Act relating to corporations.

H. B. 295. An Act relating to jury commissioners.

H. B. 298. An Act relating to county law libraries.

H. B. 302. An Act providing for restoration and use as State Museum of Old Governor's Mansion.

H. B. 304. An Act pertaining to motor carriers.

H. B. 305. An Act imposing tax on the production of coal.

H. B. 308. An Act relating to inheritance tax.

H. B. 311. An Act relating to soil conservation.

H. B. 314. An Act relating to revenue and taxation.

H. B. 316. An Act relating to free public libraries for cities of the first class.

H. B. 318. An Act authorizing any county in which there is located a city of the first class to make contracts for the joint acquisition, etc., of a city for county government building.

H. B. 319. An Act relating to city and county boards of health.

H. B. 320. An Act creating an independent school district in any county where a city and county children's home is established.

H. B. 323. An Act providing for a State Highway Commission and setting forth Commission's powers and duties.

H. B. 326. An Act relating to Department of Highways and the State Highway Commission.

H. B. 327. An Act relating to statutes and codes furnished to Circuit Judges.

H. B. 328. An Act relating to abandonment of a child sixteen, etc.

H. B. 330. An Act relating to wash rooms.

H. B. 335. An Act relating to sodomy and buggery.

H. B. 337. An Act relating to Kentucky Railroad Commission.

H. B. 338. An Act relating to motor carriers, etc.

H. B. 339. An Act relating to bread and flour.

H. B. 340. An Act relating to peremptory challenges allowed defendants.

H. B. 342. An Act authorizing the fiscal courts of counties to purchase forests and to expend funds out of county tax levy into Forestry Fund.

H. B. 343. An Act relating to investment of the funds of domestic life insurance companies.

H. B. 345. An Act authorizing the imposition by cities and counties of an excise tax upon use, sale or distribution of distilled spirits.

H. B. 347. An Act regulating licensing of manufacturers —wholesalers of foods and drugs.

H. B. 348. An Act relating to practical nurses.

H. B. 353. An Act relating to traffic regulation and equipment of vehicles.

H. B. 355. An Act providing for refund on tax paid on motor fuels used by aircraft.

H. B. 357. An Act relating to admission to the bar.

H. B. 358. An Act relating to the appointment of personal representatives, etc.

H. B. 365. An Act relating to the financial responsibility of owners and operators of motor vehicles.

H. B. 368. An Act authorizing fiscal courts to establish a land building fund out of county tax levy.

H. B. 372. An Act relating to fraudulent obtaining of merchandise.

H. B. 373. An Act relating to tobacco warehouses and providing uniform warehouse charges.

H. B. 374. An Act relating to notaries public.

H. B. 376. An Act relating to the license tax on dogs.

H. B. 377. An Act relating to sewers and drains in first class cities.

H. B. 384. An Act relating to fees and compensation of reporters of Circuit Courts, etc.

H. B. 391. An Act relating to registration of voters.

H. B. 392. An Act relating to Assistant Attorney General for Alcohol Beverage Control.

H. B. 393. An Act relating to licenses for malt beverages.

H. B. 398. An Act relating to implied warranties.

H. B. 401. An Act relating to revenue and taxation.

H. B. 403. An Act relating to elections.

H. B. 407. An Act relating to water districts.

H. B. 408. An Act providing for a judiciary building—making an appropriation therefor.

H. B. 414. An Act relating to State Fair Board.

H. B. 415. An Act providing for stenographers for Commonwealth Attorney.

H. B. 424. An Act imposing a tax on production of coal.

H. B. 425. An Act relating to canvass and certification of voters.

H. B. 429. An Act relating to veterans division of Department of Military Affairs.

H. B. 430. An Act relating to payment of fee to attorney appointed by current court to represent defendants without funds.

H. B. 431. An Act relating to public works and improvements on special assessment plan.

H. B. 434. An Act relating to fish ladders.

H. B. 435. An Act relating to facilities for the transportation of school children.

H. B. 436. An Act relating to fireworks.

H. B. 437. An Act relating to revenue and taxation.

H. B. 440. An Act relating to the mining and producing of bituminous coal.

H. B. 442. An Act relating to Sunday movies.

H. B. 443. An Act relating to State Fair Grounds.

H. B. 444. An Act authorizing fiscal courts in counties containing city of second class to pay stenographers of county judge not less than $2400 per year.

H. B. 445. An Act relating to commitment of persons to U. S. Public Health Service, etc.

H. B. 449. An Act relating to devices operated by coin or token.

H. B. 451. An Act relating to commonwealth's attorneys.

H. B. 453. An Act relating to collection of school taxes.

H. B. 454. An Act relating to marriage.

H. B. 455. An Act to provide for general welfare and health, efficiency, etc. of the people of the Commonwealth.

H. B. 456. An Act relating to rural roads and making an appropriation therefor.

H. B. 457. An Act relating to property subject to ad valorem taxes.

H. B. 458. An Act relating to capital outlay.

H. B. 459. An Act regulating the strip mining of coal, etc.

H. B. 460. An Act appropriating money out of the General Expenditure Fund in State Treasury for paying certain claims.

H. B. 463. An Act relating to traps.

H. B. 464. An Act relating to administration of alcoholic beverage control and local option law.

H. B. 465. An Act relating to revenue and taxation.

H. B. 466. An Act relating to revenue and taxation.

H. B. 467. An Act relating to assessment and registration of motor vehicles.

H. B. 468. An Act relating to money paid under federal flood control.

H. B. 469. An Act authorizing public project, etc.

H. B. 470. An Act to authorize representatives of Department of Industrial Relations to serve subpoenas.

H. B. 471. An Act relating to unsafe working conditions.

H. B. 473. An Act relating to cities of the fifth class.

H. B. 474. An Act providing for a refund tax paid on gasoline used in publicly owned school buses.

H. B. 475. An Act relating to revenue and taxation.

H. B. 476. An Act amending Sec. 247.155 KRS.

H. B. 477. An Act providing for a supplemental appropriation to Secretary of State.

H. B. 478. An Act relating to public works in cities.

H. B. 479. An Act relating to municipal hospitals.

H. B. 480. An Act providing for licensing of persons engaged in practice of veterinary medicine.

H. B. 481. An Act relating to motor vehicles.

H. B. 482. An Act relating to selection and adoption of textbooks.

H. B. 483. An Act relating to Game and Fish.

H. B. 484. An Act to prohibit discrimination because of sex in payment of wages.

H. B. 485. An Act relating to aviation.

H. B. 486. An Act relating to licensing of motor vehicle operators.

H. B. 487. An Act relating to mining and production of bituminous coal.

H. B. 488. An Act relating to claims against a decedent's estate.

H. B. 489. An Act relating to the disposal of dead animals.

H. B. 490. An Act relating to disposal of carcasses of dead animals within corporate limits of cities.

H. B. 491 An Act to provide for construction in third class cities of memorials in honor of soldiers, sailors, etc.

H. B. 492. An Act relating to the practice of optometry.

H. B. 493. An Act relating to industrial life insurance.

H. B. 494. An Act relating to elections, with reference to registration and voting of absent voters.

H. B. 495. An Act relating to the adoption of persons.

H. B. 496. An Act relating to plumbing.

H. B. 497. An Act relating to duties of Division of Highway Patrol.

H. B. 498. An Act relating to tax on use of motor vehicles.

H. B. 499. An Act relating to insurance of state lands and buildings.

H. B. 500. An Act relating to the minimum resale prices of alcoholic beverages.

H. B. 501. An Act relating to board of aldermen in cities of the first class.

H. B. 502. An Act relating to purgation for primary elections in cities of the first class.

H. Res. 29. Resolution relating to Kentucky State Fair.

H. Res. 30. Resolution authorizing refund of money to Mrs. Helen Rice, Greenville, Kentucky.

H. Res. 52. Resolution authorizing personal representative of Gerald Dalton Troutman to sue the Commonwealth.

H. Res. 57. Resolution authorizing George Grasle to sue the Commonwealth.

H. Res. 71. Resolution appropriating money for payment of claim to G. M. Knuckles.

H. Res. 73. Resolution authorizing Harry Savage to sue the Commonwealth.

H. Res. 76. Resolution relative to the celebration of Wilderness Road.

H. Res. 79. Resolution appropriating the sum of $320 to pay claim of Franklin Circuit Court.

H. Res. 80. Resolution authorizing Hays Foster to sue the Commonwealth.

H. Res. 81. Resolution appropriating $1792.69 to Department of Military Affairs.

H. Res. 82. Resolution authorizing payment of witness claim to Cundiff Brothers, Somerset.

H. Res. 83. Resolution petitioning Congress to restore benefits for non-service connected disabilities.

H. Res. 84. Resolution authorizing Morrison B. Smith to sue the Commonwealth.

H. Res. 86. Resolution authorizing Chester Wright to sue the Commonwealth.

H. Res. 87. Resolution authorizing Mrs. Clyde Smith to sue the Commonwealth.

H. Res. 88. Resolution authorizing Floyd Siry to sue the Commonwealth.

H. Res. 89. Resolution authorizing Stephen Sheanshang to sue the Commonwealth.

H. Res. 93. Resolution authorizing Commissioner of Finance to pay Billie Dixon, etc.

H. Res. 94. Resolution authorizing John L. Harris to sue the Commonwealth.

H. Res. 95. Resolution relating to establishment of boundary line between counties of Barren, Hart and Edmonson.

H. Res. 96. Resolution providing for payment to Milton T. Whitworth, Commonwealth's attorney.

H. Res. 97. Resolution authorizing payment of claim against the Commonwealth to the Kister Company.

H. Res. 98. Resolution authorizing Z. F. Bloodworth to practice as a veterinarian.

H. Res. 99. Resolution authorizing H. L. Wilkerson to sue the Commonwealth.

H. Res. 100. Resolution authorizing R. G. Hanner to sue the Commonwealth.

H. Res. 101. Resolution authorizing John Robert Gray to sue the Commonwealth.

H. Res. 46. Resolution authorizing payment of witness claim to C. D. Williams.

H. Res. 54. Resolution authorizing payment of claims to Ezra Beach, J. W. Connolly, Val Love, of Gallatin County.

H. Res. 55. Resolution authorizing Charles Near to sue the Commonwealth.

H. Res. 56. Resolution authorizing Sarah Near to sue the Commonwealth.

H. Res. 91. Resolution authorizing Humphrey Collins to sue the Commonwealth.

H. Res. 103. Resolution to allow Charles Cornette to recover $80.87 from the Commonwealth.

H. B. 209. An Act relating to proof required for divorce.

S. B. 6. An Act to revise the law relating to private corporations.

S. B. 14. An Act making it an offense to board or lodge children under 16 years of age, etc.

S. B. 17. An Act relating to collection of school taxes.

S. B. 34. An Act to provide for payment of death inheritance and other taxes levied or assessed by the U. S. Revenue Acts.

S. B. 37. An Act transferring balances of funds of toll free bridges to sinking fund of Livermore and Rockport Bridges.

S. B. 39. An Act relating to mining of clay.

S. B. 47. An Act relating to Commissioners of Waterworks in cities of the second class.

S. B. 51. An Act relating to bonds of State officers and employes.

S. B. 54. An Act relating to matrons for police courts in cities of the first class.

S. B. 64. An Act relating to school term.

S. B. 69. An Act relating to users of narcotic drugs.

S. B. 74. An Act granting authority for issuance of revenue bonds.

S. B. 78. An Act to authorize building and loan associations to make loans.

S. B. 83. An Act pertaining to deeds, mortgages, etc.

S. B. 86. An Act relating to soil and water resources.

S. B. 92. An Act to provide for payment of expenses of county judges for their attendance at county meetings, etc.

S. B. 99. An Act relating to banks and trust companies.

S. B. 100. An Act relating to banks and trust companies.

S. B. 101. An Act relating to banks and trust companies and amending KRS.

S. B. 106. An Act relating to the abatement of nuisance caused by the growing of weeds upon private property.

S. B. 108. An Act to amend KRS.

S. B. 109. An Act relating to chiropractors.

S. B. 110. An Act relating to procedure for assessing property in second class cities.

S. B. 111. An Act to revise Kentucky Statutes.

H. B. 112. An Act relating to fees of county court clerks in certain counties.

H. B. 113. An Act relating to State Educational Agency for surplus property.

S. B. 114. An Act relating to purchase by boards of education or agencies thereof, and declaring an emergency.

S. B. 115. An Act relating to public assistance.

S. B. 116. An Act creating a Board of Claims.

H. B. 117. An Act to provide and grant to real or personal representation of any obliger the right to pay upon sixty days prior to written notice, obligation of decedents.

H. B. 119. An Act relating to revenue and taxation.

S. B. 124. An Act appropriating money out of general fund relating to paper for election ballots.

S. B. 128. An Act relating to Division of Forestry.

S. B. 129. An Act providing for restoration of Old Governor's Mansion.

S. B. 130. An Act relating to eligibility for public assistance.

S. B. 136. An Act authorizing any county in which there is located a city of the first class, relating to county government building.

S. B. 137. An Act providing for regulation of the operation of refrigerated lockers, etc.

S. B. 141. An Act authorizing the establishment of civil service for non-instructional employees of boards of education in cities of the second class.

S. B. 142. An Act relating to investment of funds of domestic Life Insurance Companies.

S. B. 144. An Act providing for county cooperation in the control of forest fires.

S. B. 145. An Act relating to forest fire protection.

S. B. 146. An Act relating to employers—workmen's compensation.

S. B. 154. An Act concerning armories.

S. B. 158. An Act making provision for disposition of money or property involved in actions in which there are unknown defendants.

S. B. 162. An Act prohibiting the operation of motor vehicles while under the influence of intoxicating liquors.

S. B. 172. An Act relating to the operation of electric and water systems in cities of the third class.

S. B. 173. An Act relating to confinement of prisoners when not working, etc.

S. B. 174. An Act relating to collection of taxes in cities of the second, third, fourth classes.

S. B. 175. An Act providing for payment by cities of second class of medical and hospital bills.

S. B. 182. An Act relating to non-resident nurseries and agents or dealers in trees.

S. B. 184. An Act relating to the number and compensation of deputies of Circuit Court Clerks and County Clerks.

S. B. 186. An Act authorizing certain persons to condemn land and right of ways for purpose of securing a water supply, etc.

S. B. 198. An Act relating to cities of 1st class.

S. B. 201. An Act relating to securities.

S. B. 202. An Act relating to supervisor of parents for counties having a population of 200,000 or more.

S. B. 203. An Act relating to salaries of deputy commissioners.

S. Res. 4. Resolution appropriating from General Fund the sum of $191.20 to pay claim of Lee B. Kesler.

S. Res. 7. Resolution appointing Committee to investigate the tobacco situation.

S. Res. 10. Resolution authorizing Les Ward to sue the Commonwealth.

S. Res. 12. Resolution authorizing Governor to declare an emergency respecting sale of burley tobacco.

S. Res. 14. Resolution authorizing Jerry Hall to sue the Commonwealth.

S. Res. 15. Resolution appropriating $52.50 to pay a claim to Everett Langford, of Beaver Dam, Kentucky.

S. Res. 16. Resolution authorizing J. H. Webb to sue the Commonwealth.

S. Res. 17. Resolution authorizing Wendell Webb to sue the Commonwealth.

S. Res. 19. Resolution appropriating sum of $802.11 to War Department.

S. Res. 21. Resolution authorizing Bud Burkhart to sue the Commonwealth.

S. Res. 22. Resolution authorizing Renfro Supply Company to sue the Commonwealth.

S. Res. 23. Resolution authorizing Clifford Alexander to sue the Commonwealth.

S. Res. 24. Resolution authorizing J. T. Eads to sue the Commonwealth.

S. Res. 25. Resolution authorizing Laura Whittaker and Charles Duff to sue the Commonwealth.

S. Res. 27. Resolution authorizing payment of claim to William Moore.

S. Res. 28. Resolution authorizing H. R. Dysard to sue the Commonwealth.

S. Res. 29. Resolution for the benefit of John W. Faulkner.

S. Res. 30. Resolution appropriating the sum of $2000 for restoring the Daniel Boone Monument.

S. Res. 32. Resolution authorizing Oscar Forster to sue the Commonwealth.

S. Res. 33. Resolution authorizing payment of claim to E. T. Deaton.

S. Res. 34. Resolution authorizing Gayle Everman to to sue the Commonwealth.

S. Res. 35. Resolution appropriating the sum of $1792.69 to the Department of Military Affairs.

S. Res. 37. Resolution authorizing payment of claims against the Commonwealth.

S. Res. 38. Resolution appropriating $10.25 and $74.06 to pay claims to Charles Waggoner.

Ordered that said bills and resolutions be read the second time.

The Constitutional provision as to the second reading of said bills and resolutions at length having been dispensed with, said bills and resolutions were read the second time by their titles only.

Ordered that said bills and resolutions be placed in the Orders of the Day.

A message was received from the Senate, announcing that they had passed bills which originated in this House entilted:

H. B. 140. An Act establishing a public park on the Old State Capitol Grounds.

H. B. 172. An Act relating to Soil and Water Resources and the Department of Conservation.

H. B. 187. An Act relating to war veterans; establishing a Disabled Ex-service Men's Board, etc.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

And that they had passed a bill which originated in this House, entitled:

H. B. 168. An Act relating to Civil Service Employes in cities of the second and third classes.

With amendments thereto as proposed and adopted by the Senate.

Ordered that said bill with amendments thereto be referred

To Committee on Rules.

And that they had refused to recede from an amendment by way of a Substitute as proposed and adopted by the Senate, to a bill which originated in this House, entitled:

H. B. 124. An Act appropriating money for the operation, maintenance and functioning of the State Government for the fiscal years ending June 30, 1947 and June 30, 1948.

And had appointed a Committee on Conference composed of Senators Maloney, Cox and Moss,

And respectfully request that a like Committee be appointed on the part of the House to meet with the Committee on the part of the Senate and settle the differences between the two Houses.

Mr. Weintraub moved that the Speaker do now appoint a Committee on Conference on the part of the House to confer with the Senate Committee on Conference.

Said motion was agreed to.

Thereupon the Speaker appointed Messrs. Doran, Howell and Losey as members constituting the Committee on Conference on the part of the House.

Ordered that said bill with amendment thereto, be delivered to the Committee on Conference.

And that they had passed bills and a resolution which originated in the Senate, entitled:

S. Res. 50. Resolution authorizing Andrew J. Riley to sue the Commonwealth.

Said resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Bart Bloomer, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Highways of the Commonwealth of Kentucky, either or both, in the Floyd Circuit Court, Floyd County, Kentucky, for damages resulting to his said automobile, caused by the negligence on the part of the Commonwealth of Kentucky, and the Department of Highways of the Commonwealth of Kentucky, its agents and employees, while in the line of duty as herein set out.

Said suit shall be for the sum not in excess of Three Hundred ($300.00) Dollars, for property damage.

No plea of limitation shall be interposed.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and the State Department of Highways of the Commonwealth of Kentucky herein and settle said claim before suit is filed, if he deems advisable. Any amount recovered by said suit, either by settlement with the Attorney General or a judgment rendered, shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered either by the Court or jury as an admission of negligence upon the party of the Commonwealth, or of any of its agencies or

employees and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

S. B. 118. An Act relating to unemployment compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 341.050 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

COVERED EMPLOYMENT. (1) As used in this chapter, unless the context clearly requires otherwise and subject to the other provisions of this section, "covered employment" means service, including service in interstate commerce, performed for wages or under any contract of hire written or oral, express or implied, in which the relationship of the individual performing such service and the employing unit for which such services are rendered is, as to those services, the legal relationship of employer and employee.

(2) "Covered employment" includes a worker's entire service performed within or both within and without this state if:

(a) The service is localized in this state; or

(b) The service is not localized in any state, but some of the service is performed in this state, and:

1. The base of operations or, if there is no base of operations then the place from which such service is directed or controlled, is in this state; or

2. The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the worker's residence is in this state.

(3) Services not covered under subsections (1) or (2) or this section, and performed entirely without this state, with respect to no part of which contributions are required

and paid under an unemployment compensation law of any other state or of Federal Government, are covered employment if the worker performing them is a resident of this state and if the commission approves the election of the employing unit for which they are performed that the entire service of such worker shall be deemed to be covered employment.

(4) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the worker's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Unless the employing unit thereof has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment" does not include:

(a) Agricultural labor;

(b) Domestic service in a private home;

(c) Service performed in the employ of this state, or any political subdivision thereof or of any of its municipalities;

(d) Service performed in the employ of any other state or of any political subdivision thereof, or of the United States Government, and services performed in the employ of a corporation or agency created under an Act of Congress and engaged in the performance of a governmental function and the employes of which are compensated out of funds appropriated by Congress;

(e) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The commission shall enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in KRS 341.140 for general rules, to provide reciprocal

treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(f) Service performed by a worker in the employ of his son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his father or mother;

(g) Service performed in the employ of a corporation, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(h) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an interne in the employ of a hospital by a worker who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this state;

(i) Service performed by a worker for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;

(j) Service performed by a worker under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(k) Service performed by a worker for an employing unit as a real estate agent, salesman or solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission.

Section 2. That Section 341.070 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

SUBJECT EMPLOYER. As used in this chapter, unless the context clearly requires otherwise, "subject employer" means:

(1) Any employing unit which, in each of three calendar quarters in the preceding calendar year, had in covered employment four or more workers (whether or not the same workers), to as many as four of whom at least fifty dollars in wages was payable to each with respect to such covered employment in each such quarter.

(2) Any employing unit which for some portion of a day (but not necessarily simultaneously) in each of twenty different weeks (whether or not such weeks are consecutive) within either the current or the preceding calendar year, has or had in covered employment eight or more workers (whether the same workers are or were employed in each such day).

(3) Any employing unit that succeeds to the organization, trade or business or another employing unit which at the time of such succession is a subject employer; and any employing unit which succeeds to the organization, trade, or business of any previously separate portion of another employing unit, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(4) Any employing unit that succeeds to any of the assets of a subject employer's business by any means whatever, otherwise than in the ordinary course of trade, is a subject employer if the commission finds that;

(a) The transferee has continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(b) The transferee has employed substantially the same workers as those the transferor had employed in connection with the assets acquired; and

(c) The transferee has acquired a previously separate portion of the transferor's assets in connection with which

portion one or more workers were employed in covered employment.

(5) Any other employing unit which has elected to become subject to this chapter, pursuant to subsection (3) of KRS 341.250.

(6) Any employing unit for which services in covered employment are performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund.

(7) Any employing unit which, having become a subject employer under subsections (1) to (6) of this section, has not ceased to be a subject employer under KRS 341.250.

Section 3. That Section 341.250 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

EMPLOYER'S COVERAGE; PERIOD; TERMINATION; ELECTION OF LIABILITY. (1) Any employing unit that becomes subject to this chapter within any calendar year shall be considered a subject employer during the whole of that calendar year, except as specifically provided in subsections (3), (4) and (5) of this section or elsewhere in this chapter.

(2) Except as provided in subsections (3) and (5) of this section, a subject employer shall cease to be a subject employer only as of the first day of January of any calendar year if he files with the commission, prior to the first day of March of that year, a written application for termination of coverage, and the commission finds that the covered employment performed for such subject employer within the preceding calendar year was not sufficient to render an employing unit a subject employer under subsections (1), (2), (3), (4) and (6) of KRS 341.070. The commission may, however, after notifying such employer in writing at his last known address, terminate the coverage of any subject employer as of the first day of January of any calendar year if it finds that such subject employer has had no individuals in covered employment in this state at any time during the three preceding calendar years, and the balance of such employer's

reserve account may be immediately transferred to the pooled account.

(3) (a) Any employing unit not otherwise subject to this chapter that files with the commission its written election to become a subject employer for not less than two calendar years shall, with the written approval of such election by the commission, become subject hereto to the same extent as all other subject employers, as of the date stated in such approval but not with respect to the period previous to such date. Such subject employer shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if prior to March 1 of such year, it has filed with the commission a written notice to that effect.

(b) Any employing unit for which services that do not constitute covered employment are performed, may file with the commission a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be considered to constitute covered employment by a subject employer for all the purposes of this chapter for not less than two calendar years. Upon written approval of such election by the commission, such services shall be considered to constitute covered employment from and after the date stated in such approval, but not with respect to the period previous to such date. Such services shall cease to be considered covered employment subject hereto as of January 1 of a calendar year subsequent to such two calendar years, only if prior to March 1 of such year such employing unit has filed with the commission a written notice to that effect.

(4) An employing unit that becomes a subject employer under subsections (3) or (4) of KRS 341.070, shall become subject as of the date of acquisition.

(5) Notwithstanding the provisions of subsections (1), (2) and (3) of this section any subject employer whose entire reserve account has been transferred to a successor in interest as provided for in KRS 341.540 shall immediately cease to be a subject employer and shall thereafter become

a subject employer only by having sufficient employment experience or by voluntary election.

Section 4. That section 341.300 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

PENALTY ON UNPAID CONTRIBUTIONS; COLLECTION. (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall be subject to a penalty at the rate of one percent per month or fraction thereof from and after such date until payment is received by the commission. These penalties shall be paid into the fund's pooled account.

(2) If, after due notice, any subject employer defaults in any payment of contributions or penalties thereon, the amount due shall be collected by civil action in the name of the state, and the subject employer adjudged in default shall pay the cost of the action. Civil actions brought under this section shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workmen's compensation law.

(3) Any action for the recovery of contributions under the provisions of this chapter shall be commenced within five years from the date such contributions become due and payable, provided however should a subject employer file a false or fraudulent report, or fail to file any report required under this chapter, whether or not such failure is with intent to evade payment of contributions due hereunder, and notwithstanding any provision of limitation elsewhere provided, the contributions due may at any time be assessed and collected by the methods set out in this chapter, including action in a court of competent jurisdiction; however, the action shall be commenced within ten years after the date such contributions became due and payable.

Section 5. That Section 341.310 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

LIEN ON EMPLOYER'S PROPERTY FOR CONTRIBUTIONS. (1) A lien on a parity with State, county and municipal ad valorem tax liens, and superior to the lien of any mortgage or other encumbrance heretofore or hereinafter created is hereby created in favor of the commission upon all property of any subject employer from whom contributions, interest or penalties are or may hereafter become due. This lien shall be for a sum equal to the amount at any time due from each subject employer to the commission on account of contributions, interest and penalties thereon. The lien shall commence from such time as the contributions, interest and penalties become due. No action to enforce a lien unded this section shall be brought after two years after date of filing the NOTICE of lien.

(2) The commission may file notice of this lien with the county court clerk of any county where the subject employer has property, giving the name of the subject employer, his address, and the amount of the lien. The clerk shall file same in the same manner as lis pendens are filed. The files shall be designated "Miscellaneous State Tax Liens." The notice, when so filed, shall be conclusive notice to all persons of the lien on the property having legal situs in that county, except that nothing in this chapter shall be construed to alter or change in any way the law relative to the rights and duties of a holder in due course as provided in KRS chapter 356, or affect the rights of any person taking the property or a lien thereon for value without actual or constructive notice. The clerk shall be entitled to a fee of $1.25 for filing the lien, and said fee shall become a part of the lien as an added cost of the delinquent subject employer to be paid by him as a part of the amount necessary to release the lien, and in no event shall the Commonwealth or the commission be required to pay same.

(3) In addition and as an alternative to any other remedies, the commission may enforce the lien by petition in the name of this state to the circuit court of Franklin County, if the ministerial acts necessary to enforce the lien by the sale of the liened property or any part of it are performed by the appropriate officers of the circuit court of the

county in which the property is situated under the direction of and reporting to the Franklin Circuit Court. The manner of enforcement shall be the same as that provided for the enforcement of other tax liens.

(4) Every assignee, receiver, trustee in bankruptcy, liquidator, administrator, executor, sheriff, bailiff or any other person who shall sell substantially all of: (1) the business, (2) the stock of goods, (3) the furniture or fixtures, (4) the machinery and equipment, (5) the good will, or other personal or real property as well as mixed, tangible and intangible property of any subject employer against whom the notice of lien provided for in subsection (2) of this section has been filed in the same county shall, before seven (7) days prior to the date of such sale, notify the commission of the name and address of the person conducting such sale, the date, the place and the terms of such sale and a description of the property to be sold. Any assignee, receiver, trustee in bankruptcy, liquidator, administrator, executor, sheriff, bailiff or any other person who shall fail to observe the requirements of this section shall be personally responsible for all loss in contributions, penalties and interest attributable to such failure to notify the commission as herein provided. Any subject employer who shall, outside the usual course of his business, sell substantially all of any one of the classes of assets hereinabove enumerated or shall quit business, shall within ten (10) days after such sale file such reports as the commission shall prescribe and pay the contributions, interest and penalties required by this chapter with respect to wages payable for covered employment up to the date of said sale. The purchaser shall withhold sufficient of the purchase money to cover the amount of all contributions, interest and penalties due and unpaid until such time as the seller shall produce a receipt from the commission showing that the contributions, interest and penalties have been paid or a certificate that no contributions, interest or penalties are due. If such purchaser shall fail to withhold purchase money as above provided and the contributions, interest or penalties shall not be paid within the ten (10) days specified above, such purchaser shall be personally liable to the extent of the value of the acquired assets for the payment of contributions, interest

and penalties accrued and unpaid on account of the operation of the business by the former owner.

Section 6. That Section 341.330 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

ADJUSTMENT OR REFUND TO EMPLOYING UNIT. Not later than FOUR years after the date on which any contributions or penalties were paid, an employing unit which has paid such contributions or penalties may make application for an adjustment in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made. If the commission determines that such contributions or penalties or any portion thereof were erroneously collected, the commission shall allow the employing unit to make an adjustment thereof, without interest, in connection with subsequent contribution payments by it; or, if such adjustment cannot be made, the commission shall refund the amount, without interest, from the fund. For like cause and within the same period adjustment or refund may be so made on the commission's own initiative.

Section 7. That Section 341.370 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

CONDITIONS REQUIRING REDUCED BENEFITS OR EXTENDED WAITING PERIOD. (1) A worker shall be ineligible to receive benefits or serve a waiting period for from one to sixteen weeks beginning with the first day of his benefit year or the commission of the disqualifying act, whichever is the later, and the maximum amount of benefits payable to him shall be reduced by not less than one nor more than sixteen times the benefit rate if, according to the circumstances in each case, the commission finds that:

(a) Subsequent to his most recent work, he has failed without good cause either to apply for available, suitable work when so directed by the employment office or the commission or to accept suitable work when offered him, or to return to his customary self employment when so directed by the commission;

(b) He has knowingly made a false statement to establish his right to or the amount of his benefits;

(c) He has left his most recent suitable work voluntarily without good cause; or

(d) He has been discharged for misconduct connected with his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct.

(2) No worker shall be required to serve additional waiting periods nor shall benefits be reduced under paragraph (c) or (d) of subsection (1) of this section unless the employer, within a reasonable time as prescribed by commission regulations, notifies the commission and the worker in writing of the alleged voluntary quitting or the discharge for misconduct.

(3) As used in this section, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the commissioner finds that the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Section 8. That Section 341.450 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

JUDICIAL REVIEW. (1) Within twenty days after the decision of the commission, any party aggrieved thereby may, after exhausting his remedies before the commission, secure judicial review thereof by filing a petition for review against the commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the commission shall be made a defendant in such action. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner. The petitioner shall furnish copies thereof for each defendant to the commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the petition directing

the commission to file answer within fifteen days after service thereof. Such summons shall be served upon a member of the commission, or upon such person as the commission designates, and such service shall be deemed complete service upon all members of the commission. The commission may be represented by any qualified attorney designated by the commission for that purpose or, at the request of the commission, by the Attorney-General. With its answer, the commission shall certify and file with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decisions therein. If consented to by the petitioner and the adverse party, an abstract of any portion of the record may be certified by the commission in lieu of certifying such portion of the record in full. The commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the commission. The court shall enter judgment affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the commission, and may in advance of judgment, remand the case to the commission for further proceedings in accordance with the direction of the court.

(4) An appeal from any ruling of the circuit court may be taken to the Court of Appeals in the manner now provided by law in equity cases.

(5) It shall not be necessary, in any judicial proceedings under this section or KRS 341.460 to have entered exceptions to the rulings of the commission, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the commission shall so order.

Section 9. That Section 341.530 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

EMPLOYER RESERVE ACCOUNT. (1) The commission shall maintain within the fund a separate reserve ac-

count for each subject employer, and shall, except as provided in KRS 341.560, credit to such account the total amount of all contributions paid by the employer on his own behalf. The liability of each such account shall be limited to the payment of benefits to eligible workers.

(2) Except as provided in subsection (3) of this section the benefits paid to an eligible worker for a week of unemployment shall be charged proportionately against the accounts of those of his subject employers from whom he has base period wages. The proportion so used shall be that ratio which is obtained by dividing the base period wages of a worker from such employer by the total base period wages of such worker, adjusted to the nearest multiple of one per cent. For the purpose of this subsection a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an eligible worker and chargeable to an employer's reserve account under such subsection, may be charged against the pool account if the commission finds that such worker was discharged by such employer for misconduct connected with his work or voluntarily left the employ of such employer without good cause attributable to the employment, and the employer within a reasonable time, as prescribed by commission regulation, notifies the commission, in writing, of the alleged voluntary quitting or discharge for misconduct.

(4) Each subject employer's reserve account shall, unless terminated or exhausted as of the computation date (as defined in subsection (5) of KRS 341.270) be charged with all benefits paid to eligible workers which are chargeable to such reserve account under subsection (2) of this section. A subject employer's reserve account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been credited to the fund's pooled account or to a successor's account as provided in KRS 341.540.

(5) Any subject employer may at any time make voluntary payments, additional to the contributions required un-

der KRS 341.260 and 341.270 to his reserve account, according to the general rules established by the commission.

Section 10. That section 341.540 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

RESERVE ACCOUNTS OF SUCCESSIVE EMPLOYERS. Any employing unit which acquires its organization, trade, or business in whole or in part from an employer for whom a reserve account has been maintained by the commission as provided for in KRS 341.530 shall immediately notify the commission thereof, and shall assume the position of such employer with the respect to the resources and liabilities of such reserve account in proportion to the extent of such acquisition as agreed upon by the parties in interest and approved by the commission. The commission shall maintain separately any such reserve account in a manner similar to any other reserve account for a period of three years from the date of such acquisition and shall credit the balance remaining in the account as of that date to the reserve accounts of such parties in interest in such agreed proportions; provided that, an immediate transfer of the reserve balance may be made if the successor acquires the whole of the predecessor's organization, trade, or business.

Section 11. That Section 341.550 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

POOLED ACCOUNT. (1) The commission shall maintain within the fund a pooled account, mingled and undivided, to which shall be credited:

(a) All worker contributions;

(b) The emergency amounts diverted from the subject employer's contributions as provided in KRS 341.560;

(c) All realized earnings and gains on investments of the fund;

(d) Except as provided in subsection (2) of KRS 341.250 and KRS 341.540, any balance remaining in the reserve account of any previously subject employer three years after such employer has ceased to be subject to this chapter;

(e) All fines, penalties and interest on delinqeunt contributions collected under this chapter;

(f) Any payments into or amounts in the fund not allocable to any employer's reserve account; and

(g) Any payments collected under subsection (3) of this section.

(2) Except as provided in KRS 341.420, KRS 341.530 and subsection (3) of this section, benefits shall be charged against the pooled account only if and to the extent that a subject employer's reserve account does not, as of the computation date (as defined in subsection (5) of KRS 341.270), equal the maximum amount of benefits then due and chargable against such account as provided in this chapter. To the extent that money in the pooled account is sufficient therefore, the commission shall pay any benefits otherwise due but not payable because of the complete exhaustion as of such computation date of the subject employer's reserve account.

(3) Any benefits paid through error shall be charged against the pooled account. The repayment of benefits paid erroneously as provided in subsection (8) of KRS 341.990 shall be credited to the pooled account. The pooled account shall be credited with any sums deducted from future benefits as provided in subsection (8) of KRS 341.990.

Section 12. That Section 341.990 of the Kentucky Revised Statutes be repealed and reenacted, so that when reenacted the same shall read as follows:

PENALTIES AND LIMITATIONS. (1) Any employe of any state department who violates any of the provisions of KRS 341.110 to 341.230 shall be fined not less than twenty dollars nor more than two hundred dollars or imprisoned for not more than ninety days, or both.

(2) Any person subpoenaed to appear and testify or produce evidence in an inquiry, investigation or hearing conducted under this chapter who fails to obey the subpoena shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than thirty days, or both.

(3) Any subject employer, or officer or agent of a subject employer, who violates subsection (1) of KRS 341.470 shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than six months, or both, for each offense.

(4) Any person who violates subsection (2) of KRS 341.470 shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not more than six months, or both, for each offense.

(5) Any person who knowingly makes a false statement of representation or knowingly fails to disclose a material fact to obtain or increase any benefit for any person shall be fined not less than ten dollars nor more than fifty dollars or imprisoned for not more than thirty days, or both. Each false statement, representation or failure shall constitute a separate offense.

(6) Any person who knowingly makes a false statement or representation or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any worker entitled thereto, or to avoid becoming or remaining subject to this chapter, or to avoid or reduce any payment required of an employing unit under this chapter or who willfully fails or refuses to furnish any reports required, or to produce or permit the inspection or copying of records required in this chapter shall be fined not less than ten dollars nor more than fifty dollars or imprisoned for not more than thirty days, or both. Each such false statement, representation or failure and each day of such failure or refusal shall constitute a separate offense.

(7) Any person who willfully violates any provision of this chapter or any rule or regulation under it, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which no specific penalty is prescribed in this chapter or in any other applicable statute, shall be fined not less than ten dollars nor more than fifty dollars. Each day such violation continues shall constitute a separate offense.

(8) Any person who because of an error or by reason of the non-disclosure or misrepresentation of a material fact, whether made by himself or another and whether known or fraudulent or not, has received any sum as benefits under this chapter while any condition for the receipt of benefits was not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the commission, either have such benefits deducted from any benefits pay-

able to him under this chapter or repay the commissioner a sum equal to the amount so received by him. Such sum shall be collected in the manner provided in subsection (2) of KRS 341.300 for collection of past due contributions and shall be credited to the account against which it was improperly charged.

(9) No prosecution shall be had for the violation of any provision of this chapter unless the prosecution is commenced within two years from the time of the violation.

Section 13. That Section 341.340 of the Kentucky Revised Statutes be repealed.

S. B. 122. An Act making provision for a Department of Banking.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) There is created a Department of Banking, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Banking, who shall be the executive head of the department and shall be charged with the administration of the department.

(2) The Department of Banking shall have and exercise all administrative functions of the state in relation to the regulation, supervision, chartering and licensing of banks, trust companies, building and loan associations, petty loan companies, investment and industrial loan companies, and credit unions. For administrative purposes the department may be divided into sections for each class of financial institutions under the jurisdiction of the department.

(3) Wherever in the statutes there is a reference to the "Division of Banking," "Director of Banking," "deputy director of banking" or similar official, it shall be deemed to refer respectively, to the Department of Banking, Commissioner of Banking, deputy commissioner of Banking or other appropriate official of the Department of Banking.

§ 2. The Governor shall appoint as Commissioner of Banking a practical banker with not less than five years banking experience. For this purpose, "banking experience" means service as an executive in a state bank in a grade not lower than cashier, or service as a deputy commissioner or examiner in the Department of Banking or in the former Division of Banking of Kentucky, or as Director of former Division of Banking, or as former Commissioner of Banking.

§ 3. The Commissioner of Banking shall appoint a Deputy Commissioner with the prior written approval of the Governor. The Deputy Commissioner shall have the same qualifications as are required by the Commissioner, and shall, during the absence or inability of the commissioner or under his instructions, or in the event of a vacancy in the office of the Commissioner and until the vacancy is filled, be vested with all the powers and perform all the duties of the commissioner.

§ 4. Section 286.020 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The department shall have and exercise all administrative functions of the state except as otherwise provided by law in relation to:

(1) The supervision of motor transportation for hire;

(2) The regulation of insurance practices.

§ 5. Section 286.030 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

The Chairman of the Public Service Commission shall be ex officio Commissioner of Business Regulation and as such shall be the head of the department. For administrative purposes the department shall be divided into a Division of Motor Transportation, a Division of Securities and a Division of Insurance. The heads of the divisions shall be appointed by the Governor and shall act under the supervision of the commissioner.

§ 6. Section 286.050 of the Kentucky Revised Statutes is repealed.

§ 7. Section 287.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Bank" includes every corporation authorized by this chapter to do a banking business;

(b) "Director of banking" means the Commissioner of Banking;

(c) "Division" means the Department of Banking;

(d) "Population" means the population as indicated by the latest regular United States census; and

(e) "Trust company" includes every corporation authorized by this chapter to do a trust business.

(2) Whenever a corporation engages in the business of real estate title insurance and also a banking or trust business under the provisions of this chapter, the banking or trust business shall be regulated by this chapter and the real estate title insurance business shall be regulated by the laws relating to real estate title insurance companies.

§ 8. Section 287.440 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The Commissioner of Banking shall appoint a sufficient number of examiners and assistant examiners to examine all institutions coming under the supervision of the Department of Banking. A salary schedule for examiners and assistant examiners shall be prepared by the Commissioner and presented to the Commissioner of Finance for his approval. In the event an advisory State Banking Board is established by law, the appointment and compensation of examiners and assistant examiners shall be with the advice of such board.

(2) Each examiner and assistant examiner of the Department of Banking shall be a resident and a citizen of this state, shall be a practical bookkeeper and accountant and shall have had not less than four years' actual experience as an officer or clerk in a bank, trust company, or building and loan association.

(3) The Commissioner of Banking, the deputy commissioner and each examiner shall take the Constitutional oath of office and shall execute bond approved by the Department

of Finance. All such bonds shall be filed in the office of the Secretary of State, and the costs of such bonds shall be paid by the state.

(4) Neither the Commissioner of Banking, nor the deputy commissioner, nor any examiner or assistant examiner shall be indebted directly or indirectly either as borrower, endorser, surety or guarantor, to any bank or trust company under his supervision or subject to his examination, nor shall he be a director, officer or employee in such bank or trust company, nor engage or become interested in the sale of securities as a business or in the negotiation of loans for others.

(5) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he holds stock in either a state or national bank or trust company.

§ 9. Subsection (1) of Section 288.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Director of banking" means the Commissioner of Banking; and

(b) "Licensee" means a person licensed under this chapter.

§ 10. Section 289.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Association" means a building and loan association organized under the laws of this state;

(2) "Director of banking" means the Commissioner of Banking; and

(3) "Foreign association" means a building and loan association, corporation or society organized under the laws of any other state.

§ 11. Section 290.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Corporation" means a credit union organized as provided in this chapter; and

(2) "Director of Banking" means the Commissioner of Banking.

§ 12. Subsection (2) of Section 291.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(2) As used in this chapter:

(a) "Director of banking" means the Commissioner of Banking; and

(b) "Foreign investment company" means an investment company organized under the laws of any other state.

§ 13. Section 290.090 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

Each credit union shall make a report of its condition to the director of banking, on blank forms to be supplied by the Department of Banking on the dates of the calls made to state banks. Notice of the calls shall be sent out by the director of banking. The reports shall be verified by the oath of a majority of the members of the supervisory committee, or by the oath of the president and treasurer or secretary, and further reports shall be made as the director at any time demands.

§ 14. Any appropriation heretofore or hereafter made to the Division of Banking in the Department of Business Regulation shall be deemed to have been made to the Department of Banking created by this Act.

S. B. 164. An Act regulating the practice of public accounting.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SEC. 1. NAME. This Act may be cited as the "Public Accounting Act of 1946."

SEC. 2. BOARD OF ACCOUNTANCY. There is hereby created a State Board of Accountancy in and for the State of Kentucky. The Board shall consist of three members, ap-

pointed by the Governor. Whenever an appointment is to be made the Kentucky Society of Certified Public Accountants shall submit to the Governor the names of three persons qualified for membership on the Board and the Governor shall appoint one of the three. Members of the Board shall be citizens of the United States and residents of this State who hold certified public accountant certificates issued under the laws of this State and who are in active practice as certified public accountants. The members of the Board first to be appointed shall hold office, one for one year, one for two years, and one for three years, from the effective date of this Act, the term of each to be designated by the Governor. Their successors shall be appointed for terms of three years. Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office a member shall continue to serve until his successor shall have been appointed and shall have qualified. The Governor shall remove from the Board any member whose permit to practice is not renewed or which has become void, revoked or suspended, and may, after hearing, remove any member of the Board for neglect of duty or other just cause.

The Board shall elect annually a president, a secretary and a treasurer from its members. The office of secretary and treasurer may be held by the same individual. The Board may adopt, and amend from time to time, regulations for the orderly conduct of its affairs and for the administration of this Act. The Board may also promulgate, and amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accounting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed. The Board shall keep records of its proceedings, and in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this Act, copies of said records certified as correct under the seal of the Board shall be admissible in evidence as tending to prove the content of said records. The Board shall have printed and published for public distribution, in July of each year, an annual register which shall contain the names, arranged alphabetically by

classifications, of all individuals and partnerships holding permits to practice under this Act; the names of the members of the Board; and such other matters as may be deemed proper by the Board. Copies of said registers shall be mailed to each registered practitioner. The Board may employ clerks and arrange for assistance in the performance of its duties.

Each member of the Board shall be paid ten dollars for each day spent in the discharge of his official duties and shall be reimbursed for his actual and necessary expenses therein incurred.

All fees and other monies received by the Board pursuant to the provisions of this Act shall be paid to the treasurer of the Board for the use of the Board, and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Board. No part of this revolving fund shall revert to the general funds of this State. The compensation provided by this Act and all expenses incurred under this Act shall be paid from this revolving fund. No such compensation or expense shall be a charge against the general funds of this State. The Board shall file an annual report of its activities with the Governor, and such report shall include a statement of all receipts and disbursements.

SEC. 3. CERTIFIED PUBLIC ACCOUNTANTS. The certificate of "certified public accountant" shall be granted by the Board to any person (a) who is a citizen of the United States or who has duly declared his intention of becoming such a citizen, and (b) who is a resident of this State or who has a place of business or is employed therein, and (c) who has attained the age of twenty-three years, and (d) who is of good moral character, and (e) who is either:

(1) A graduate of a college or university recognized by the Board, and who has completed thirty or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty semester hours or the equivalent thereof shall be in the study of accounting, and who has been engaged in practice as a public accountant, or in the employ of a public accountant or of a certified public accountant for two years preceding the date of application, or

(2) A graduate of a college or university recognized by the Board, but who has not completed the hours of study and subjects specified in subdivision (1) of this section, and who has been engaged in practice as a public accountant, or in the employ of a public accountant or of a certified public accountant, for three years preceding the date of application, or

(3) A graduate of a high school with a four-year course or who has had an equivalent education, and who has been in practice as a public accountant, or in the employ of a public accountant, or of a certified public accountant, for at least six years preceding the date of application, and (f) who shall have successfully passed a written examination in theory of accounts, in accounting practice in auditing, in commercial law as affecting public accounting and in such other related subjects as the Board may deem advisable. Any person licensed to practice law in this State need not be examined with respect to such commercial law.

Examinations provided for herein shall be held by the Board as often as may be necessary in the opinion of the Board, but not less frequently than once each year. A candidate for the certificate of "certified public accountant" who fails in all subjects shall have the right to any number of re-examinations. A candidate who passes a satisfactory examination in any subject shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the Board, and if he passes in the remaining subjects within a period of time specified in the rules of the Board, he shall be considered to have passed the examination. The Board shall charge each candidate a fee of $25 for the initial examination. This fee shall be payable by the candidate at the time of making application for examination. Should the candidate fail to pass the examination, re-examinations will be given the same candidate for an additional fee of $10 for each examination irrespective of the number of subjects therein covered.

Any individual who has received from the Board a certificate of "certified public accountant" and who holds an annual permit to practice issued under sec. 8 of this Act shall be styled and known as a "certified public accountant" and may also use the abbreviation "CPA." The Board shall keep

a list of certified public accountants. Any certified public accountant may also be known as a "public accountant."

Individuals who at the time of the enactment of this Act held certified public accountant certificates heretofore issued under the laws of this State shall not be required to secure additional certificates under this Act, but shall otherwise be subject to all of its provisions; and such certificates heretofore issued shall, for all purposes, be considered certificates issued under this Act and subject to all of its provisions.

The Board may in its discretion waive the examination of, and may issue a certificate as "certified public accountant" to, any person possessing the other qualifications mentioned in this section who is the holder of a certificate as certified public accountant issued under the laws of any state.

SEC. 4. REGISTRATION OF FOREIGN ACCOUNTANTS. The Board may, in its discretion, permit the registration of any person of good moral character who is the holder of a certificate, license, or degree authorizing him to practice public accounting in a foreign country. A person so registered shall use only the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

SEC. 5. PARTNERSHIPS COMPOSED OF CERTIFIED PUBLIC ACCOUNTANTS — REGISTRATION THEREOF. A partnership engaged in this State in the practice of public accounting may register with the Board as a partnership of certified public accountants provided it meets all of the following requirements:

(a) At least one general partner thereof must be a certified public accountant of this State in good standing, and

(b) Each partner thereof personally engaged within this State in the practice of public accounting as a member thereof must be a certified public accountant of this State in good standing, and

(c) Each partner thereof must be a certified public accountant of some state in good standing, and

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant of this State in good standing. Application for such registra-

tion must be made upon the affidavit of a general partner of such partnership who is a certified public accountant of this State in good standing. The Board shall in each case determine whether the applicant partnership is eligible for registration. A partnership which is so registered and which holds a permit issued under sec. 8 of this Act may use the words "certified public accountants" or the abbreviation "CPA's" in connection with its partnership name. Notification shall be given by the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

SEC. 6. PUBLIC ACCOUNTANTS — REGISTRATION THEREOF. Any person (a) who is a resident of this State, or has a place of business, or is employed therein, and (b) who has attained the age of twenty-one years, and (c) who is of good moral character, and (d) who meets the requirements of subdivision (1) or (2) or (3) of this section, may register as a public accountant with the Board on or before the first day of July, 1946.

(1) Persons who held themselves out to the public as public accountants and who were engaged within this State at the effective date of this Act in the practice of public accounting as their principal occupation.

(2) Staff accountants employed by certified public accountants or by public accountants and regularly assigned to accounting engagements at the effective date of this Act.

(3) Persons serving in the armed forces of the United States or any of the United Nations who immediately prior to entering such service held themselves out to the public as public accountants and were engaged in the practice of public accounting as their principal occupation, or who were employed as staff accountants by certified public accountants or by public accountants and regularly assigned to accounting engagements. In the case of any such person serving in the armed forces of the United States or any of the United Nations on the effective date of this Act, the time for registration shall be extended for a period of twelve months from the time such person is honorably discharged from such service.

The board shall in each case determine whether the applicant is eligible for registration. Any individual who is so

registered and who holds a permit issued under sec. 8 of this Act shall be styled and known as a "public accountant."

SEC. 7. PARTNERSHIPS COMPOSED OF PUBLIC ACCOUNTANTS—REGISTRATION THEREOF. A partnership engaged in this State in the practice of public accounting may register with the Board as a partnership of public accountants provided it meets all of the following requirements:

(a) At least one general partner thereof must be a certified public accountant or a public accountant of this State in good standing, and

(b) Each partner thereof personally engaged within this State and in the practice of public accounting as a member thereof must be a certified public accountant or a public accountant of this State in good standing, and

(c) Each resident manager in charge of an office of a firm in this State must be a certified public accountant or a public accountant of this State in good standing. Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a permit to practice in this State as a certified public accountant or as a public accountant. The Board shall in each case determine whether the applicant partnership is eligible for registration. A partnership which is so registered and which holds a partnership permit issued under sec. 8 of this Act may use the words "public accountants" in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

SEC. 8. ANNUAL PERMITS TO PRACTICE. Permits to engage in the practice of public accounting in this State shall be issued by the Board to holders of a certificate of "certified public accountant" issued under sec. 3 of this Act and to individuals and partnerships registered under sections 4, 5, 6, and 7 of this Act. There shall be a fee of $10.00 for the original permit. All permits shall expire on the 1st day of July of each year, but may, annually, be renewed for a period of one year, by certificate holders and registrants in good standing upon the payment of an annual

renewal fee of $5.00. Failure to renew a permit before expiration thereof shall not deprive a certificate holder or a registrant of the right to renewal, in such cases a renewal fee of $10.00 shall be paid.

SEC. 9. REVOCATION OR SUSPENSION OF CERTIFICATE, OR REGISTRATION, OR PERMIT. After notice and hearing as provided in sec. 11 of this Act, the Board may revoke or suspend any certificate issued under sec. 3 of this Act, or any registration granted under sec. 6 of this Act, or may revoke, suspend or refuse to renew any permit issued under sec. 8 of this Act, or may censure the holder of any such permit, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under this Act, or in obtaining a permit to practice public accounting under this Act.

(b) Dishonesty, fraud or negligence in the practice of public accounting.

(c) Violation of any of the provisions of sec. 13 of this Act.

(d) Repeated violation of a rule of professional conduct promulgated by the Board under the authority granted by this Act, after warning by the Board that such continued violation will constitute grounds for proceedings hereunder.

(e) Conviction of a felony under the laws of any state or of the United States.

(f) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States.

(g) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(h) Suspension or revocation of the right to practice before any state or federal agency or court.

(i) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he received a certificate as certified public accountant under this Act.

SEC. 10. REVOCATION OR SUSPENSION OF PARTNERSHIP REGISTRATION OR PERMIT. After notice and hearing as provided in sec. 11 of this Act the Board shall revoke the registration and permit to practice of a partnership if at any time it does not have all the qualifications prescribed by the section of this Act under which it qualified for registration.

After notice and hearing as provided in sec. 11 of this Act the Board may revoke or suspend the registration or may revoke, suspend or refuse to renew the permit to practice of a partnership or may censure the holder of any such permit for any of the causes enumerated in sec. 9, and for the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership or any partner thereof to practice public accounting in any other state.

SEC. 11. HEARING BEFORE BOARD—NOTICE—PROCEDURE—REVIEW. (a) Commencement of Proceeding. The Board may initiate proceedings under this Act either on its own motion or on the complaint of any person.

(b) Notice-Service and Contents. A written notice stating with reasonable particularity the nature of the charge and such acts of professional misconduct as are complained of against the accused and the time and place of the hearing before the Board on such charges shall be served on the accused not less than 30 days prior to the date of the hearing either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the Board.

(c) Failure to Appear. If, after having been served with the notice of hearing as provided for herein, the accused fails to appear at said hearing, the Board may hear evidence against him and may enter such order as shall be justified by the evidence, which order shall be final unless he petitions for a review thereof as provided herein: Provided, however, that within 30 days from the date of any order, upon a showing of good cause for failing to appear, the Board may re-

open said proceedings and may permit the accused to submit evidence in his behalf.

(d) Counsel—Witnesses—Cross-examination. At any hearing the accused may appear in person or by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses, and examine such evidence and documents as may be produced against him. The accused shall be entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his behalf.

(e) Subpoenas—Oaths. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof and receive exhibits in evidence in connection with or at the hearing under this Act. In case of disobedience to a subpoena the Board may invoke the aid of the Franklin Circuit Court. Any order or subpoena of such court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

(f) Evidence. The Board shall not be bound by technical rules of evidence.

(g) Record. A stenographic record of the hearing shall be kept and a transcript thereof filed with the Board.

(h) Attorney for the Board. At all hearings the Attorney General of this State, or one of his assistants designated by him shall appear and represent the Board.

(i) Decision. The decision of the Board shall be by majority vote thereof.

(j) Review by Court. Any person adversely affected by any order of the Board may obtain a review thereof by filing a written petition for review with the Franklin Circuit Court within 60 days after the entry of said order. The petition shall state the grounds upon which the review is asked and shall pray that the order of the Board be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Board and thereupon the Board shall certify and file in the Court a transcript of the record upon which the order complained of was entered. The case shall then be tried de novo on the record but

the parties shall be permitted to file briefs. The Court may affirm, modify or set aside the Board's order in whole or in part, or may remand the case to the Board for further evidence, and may in its discretion, stay the effect of the Board's order pending its determination of the case. The Court's order shall have the force and effect of a decree in equity and may be appealed from to the Court of Appeals.

SEC. 12. REINSTATEMENT. The Board may reissue the certificate of any certified public accountant whose certificate shall have been revoked, or may permit the reregistration of any person whose registration has been revoked, or may reissue or modify the suspension of any permit to practice public accounting which has been revoked or suspended.

SEC. 13. ACTS DECLARED UNLAWFUL. (a) No person shall assume or use the title or designation "certified public accountant" or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant, unless such person has received a certificate as a certified public accountant under sec. 3 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, provided, however, that a foreign accountant who has registered under the provisions of sec. 4 of this Act, and who holds a permit issued under sec. 8 of this Act, and which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

(b) No partnership shall assume or use the title or designation "certified public accountants" or the abbreviation "CPA's" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that such partnership is composed of certified public accountants unless such partnership is registered as a partnership of certified public accountants under sec. 5 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(c) No individual shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant, unless such person is registered as a public accountant under sec. 6 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, or unless such person has received a certificate as a certified public accountant under sec. 3 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended

(d) No partnership shall assume or use the title or designation "public accountants" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such partnership is composed of public accountants, unless such partnership is registered as a partnership of public accountants under sec. 7 of this Act or as a partnership of certified public accountants under sec. 5 of this Act and holds a permit issued under sec. 8 of this Act which has not been revoked or suspended

(e) No individual, partnership or corporation shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," or any other title or designation likely to be confused with "certified public accountant" and "public accountant," or any of the abbreviations "CA," "PA," "EA," "RA," or "LA," or similar abbreviations likely to be confused with "CPA," provided, however that a foreign accountant who has registered under the provisions of sec. 4 of this Act, and who holds a permit issued under sec. 8 of this Act which has not been revoked or suspended, may use the title under which he is generally known in his own country, followed by the name of the country from which he received his certificate, license or degree.

(f) No individual shall affix his signature, with any wording indicating that he is an accountant or auditor, or with any wording indicating that he has expert knowledge in accounting or auditing, to any accounting or financial statement, or to any opinion on, report on or certificate to any accounting or financial statement, unless he holds a permit issued under sec. 8 of this Act which has not been revoked

or suspended, provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the financial affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

(g) No individual shall sign or affix a partnership name, with any wording indicating that it is a partnership composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement, unless the partnership holds a permit issued under sec. 8 of this Act which has not been revoked or suspended.

(h) No individual shall sign or affix a corporate name, with any wording indicating that it is a corporation performing services as accountants or auditors or composed of accountants or auditors or persons having expert knowledge in accounting or auditing, to any accounting or financial statement, or to any report on or certificate to any accounting or financial statement.

SEC. 14. EXCEPTIONS—ACTS NOT PROHIBITED. Nothing contained in this Act shall prohibit any individual not a certified public accountant or public accountant from serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership composed of certified public accountants or public accountants holding a permit to practice under sec. 8 of this Act; provided that such employee or assistant shall not issue any accounting or financial statement over his name.

Nothing contained in this Act shall prohibit a certified public accountant or a registered public accountant of another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein, from temporarily practicing in this state on professional business incident to his regular practice.

SEC. 15. INJUNCTION AGAINST UNLAWFUL ACT. Whenever in the judgment of the Board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of sec. 13 of this Act, the Board may make application to the Franklin Circuit Court for an order enjoining such acts or practices, and upon a showing by the Board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. The same shall be enforceable and shall be valid anywhere in this State and shall be reviewable as provided in the code of Civil Practice in the case of other injunctions and restraining orders.

SEC. 16. MISDEMEANORS—PENALTY. Any person who violates any provision of sec. 13 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars, or to imprisonment for not more than one year, or to both such fine and imprisonment. Whenever the Board has reason to believe that any person is liable to punishment under this section it may certify the facts to the Attorney General of this State, who may, in his discretion, cause appropriate proceedings to be brought.

SEC. 17. SINGLE ACT EVIDENCE OF PRACTICE. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a persons name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "public accountant" shall be prima facie evidence in any action brought under sec. 15 or sec. 16 of this Act that the person whose name is so displayed, caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device, and that such person is holding himself or itself out to be a certified public accountant or a public accountant holding a permit to practice under sec. 8 of this Act. In any such action evidence of the commission of a single act prohibited by this Act shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

SEC. 18. OWNERSHIP OF ACCOUNTANTS' WORKING PAPERS. All statements, records, schedules, working papers, and memoranda made by a certified public accountant or public accountant incident to or in the course of professional service to clients by such certified public accountant, or public accountant, except reports submitted by a certified public accountant or public accountant to a client, shall be and remain the property of such certified public accountant or public accountant, in the absence of an express agreement between the certified public accountant or public accountant and the client to the contrary.

SEC. 19. EXEMPTION FROM JURY SERVICE. An individual holding a permit issued under sec. 8 of this Act shall be exempt from service on any jury.

SEC. 20. PRIVILEGED COMMUNICATION. A certified public accountant or public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as such.

SEC. 21. DEFINITIONS. (1) Board—The term "Board" when used in this Act means the "State Board of Accountancy" created by sec. 2 of this Act.

(2) State—The term "state" when used in this Act includes and means any state, territory or insular possession of the United States, or the District of Columbia.

SEC. 22. CONSTRUCTION. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 23. REPEAL PROVISIONS. Sections 325.010 to 325.990 both inclusive of Kentucky Revised Statutes and all other acts or parts of acts in conflict herewith are hereby repealed: Provided, however, that nothing in this Act contained shall invalidate or affect any action taken under any law in effect prior to the effective date hereof, nor shall invalidate or affect any proceeding instituted under such law before the effective date hereof.

S. B. 178. An Act authorizing the establishment and erection of memorials in honor of veterans of World War II.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every county in this Commonwealth is authorized to make provision for the establishment or erection of a memorial or memorial building to commemorate the sacrifices of its citizens serving or who has served in the armed forces of the United States during any one or all wars.

(2) Every city in this Commonwealth is likewise so authorized. Such city shall not be required to locate such memorial within the city.

(3) Every city and every county are authorized to undertake the establishment or erection of such memorial jointly, and to share the expense thereof in such proportions as may be agreed upon between the governing bodies of the city and county.

(4) Cities and counties are authorized to make appropriations for such purposes out of the current revenues, subject to revenue limitations.

(5) Every county is authorized to issue bonds for such purpose when approved by the voters of the county in the manner provided by Kentucky Revised Statutes 66.040, and connected sections.

(6) Every city is authorized to issue bonds for such purpose when approved by the voters of the city in the manner provided by Kentucky Revised Statutes 66.050 to 66.060 and 66.070, and related sections applicable to the class to which such city belongs.

(7) The establishment, erection and operation of such memorial may be managed and controlled in any manner as determined by the city or county legislative body, or both, or may be managed and controlled by a commission, which shall consist of not less than three nor more than seven persons.

(8) Such commission shall be appointed by the mayor of the city, with the concurrence of the smallest legislative body, where the city undertakes the project; and shall be appointed by the county judge, with the concurrence of the fiscal court, where the county undertakes the project; and

where both undertake the project, the commission may be so appointed by the joint action of the city and the county.

(9) Where the city or county has undertaken such project and has appointed a commission, the city or county thereafter undertaking support of same is authorized to accept the commission already appointed.

(10) Each member of the commission so appointed shall qualify by taking the oath of office, and by giving bond to the county or city who appointed the commission for the faithful performance of such office, and such bond shall be approved by the fiscal court or one legislative body of the city.

(11) Vacancies shall be filled by the remaining members of the commission; and the members of the commission shall hold office for four years and until their successors are selected and qualified.

(12) Such commission shall constitute a corporation, which shall be known as "Memorial Commission of ———"; and in such corporate name may sue and be sued, be contracted with, acquire real and personal property by gift, purchase or condemnation; and may do all other things which may be reasonably necessary to fully carry out the work; and may employ such assistants and officers as may be reasonably necessary to enable it to carry out its purpose.

(13) The governing authority naming such commission shall have power further to define the nature of the work to be undertaken, the duties and responsibilities of the commission and of its members and employes, and the manner and amount by which they are to be compensated, either by general direction or by specific definition.

S. B. 187. An Act authorizing counties and cities to condemn land for flood control purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Whenever in the opinion of the fiscal court of any county the title to or any interest in real property within the county is needed for the purposes of flood control and the

fiscal court cannot acquire such property by agreement with the owners thereof, whether by reason of disagreement as to the price or by reason of any other cause, the fiscal court shall adopt a resolution setting forth the foregoing facts and ordering the condemnation of the required property, giving a general description thereof, together with the names of the owners thereof where they are known to the fiscal court, and directing the county attorney to institute the proceedings. The condemnation proceedings may be had in the county court under the procedure prescribed in KRS 416.110, or may be had in the circuit court under the procedure prescribed in KRS 416.120, the selection as to which procedure to be followed being made by the fiscal court in the resolution ordering the condemnation.

§ 2. The legislative body of any city shall have the same power to condemn real property, lying within or without the corporate limits of the city, for flood control purposes, as is given to the fiscal court of a county by section 1 of this Act. The condemnation proceedings shall be instituted and prosecuted by the city attorney.

§ 3. This Act is intended to constitute an alternate method of acquiring property for flood control purposes, in addition to, and not as a substitute for, any other method authorized by law.

S. B. 190. An Act relating to landlords' liens.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any landlord who advances money or property or other things of value to a tenant in excess of $250.00 shall not have a prior lien, other than as between the landlord and the tenant, under KRS 383.110 or otherwise, against the tenant on personal property, crop, produce or increase on the landlord's land unless the landlord shall have filed a statement in the County Court Clerk's office of the county where the land lies and is situated asserting a claim or lien against such personal property, crop, produce or increase, and all liens so filed by the landlord against said tenant in excess of $250.00

shall not take precedence over a lien or chattel mortgage filed by any other person before the filing of the landlord's lien.

S. B. 206. An Act to provide for the construction, maintenance and operation of flood control systems by all the cities of the Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Governing authority" and "Board" as used in this Act shall mean and include the Board of Councilmen, Board of Aldermen, and Board of Commissioners or other legislative body of a city. "Commission" shall mean and include any agency or group of individuals appointed by the governing authority of a city for the execution and operation of the provisions of this Act.

Section 2. For the purpose of protecting property within and beyond their limits from floods or high water, cities of all classes are authorized and empowered to establish a flood control system by constructing, enlarging, extending, equipping, maintaining and operating walls or other barriers with necessary appurtenances and equipment, either within or beyond the boundaries of the city.

For that purpose every city may acquire all necessary and convenient land, rights of way and other property therefor by gift, purchase or condemnation, and cause the walls or barriers and their appurtenances and equipment to be erected, maintained and operated as herein provided. The cost thereof may be met and paid (a) by the issuance of bonds of the city as voted by the citizens thereof, or (b) by assessments made upon the property benefited by such construction for the satisfaction of bonds issued therefor, or (c) by a combination of both plans as the governing authority may determine. The city is authorized to accept upon such terms as the governing authority may deem necessary or appropriate any gift, contribution or allotment of money or property by the government of the United States or any of its agencies or by any individual or corporation.

Section 3. Before any city shall undertake the construction, acquisition or improvement of any flood control system, its governing authority shall enact appropriate ordinances which shall (a) set forth a general or brief description of the system, its location and the plan and method of establishing and operating it; (b) designate the particular method or plan to be followed as described in Section 2 hereof; (c) state an estimate of the probable cost thereof; (d) order the construction, acquisition, extension or improvement of the same; (e) direct that bonds be issued pursuant to the plan adopted and the provisions of this Act in such amount as may be found proper, necessary or convenient in the premises to accomplish the purposes of the project.

Before the adoption of the foregoing ordinance or any amendment thereof which affects the substance, a notice shall be given in the manner provided for publication of ordinances specifying a time and place for a public hearing, the time being not less than ten days after the first publication or posting of said potice, at which time and place all parties in interest may appear before the municipal authorities and may be heard as to whether or not said ordinances shall be adopted. At such hearing all exceptions and suggestions shall be heard and the governing authority shall take such action as it deems proper in the premises; provided, however, that if after such hearing, written protest is filed by forty (40%) per cent or more of owners of real estate situated in that part of the area receiving benefits by the proposed flood control system or improvement, the governing body of the city shall not take further action, unless two-thirds of the members voting thereon assent thereto.

Section 4. The construction, acquisition, improvement, extension, equipment, operation and maintenance of any such flood control system and the collection of revenues hereinafter provided for shall be under the supervision and control of the governing authority or board, or of a commission appointed by such authority as may be determined by ordinance. Any contract for the construction of any wall or other structure or appurtenace shall be made and executed

in accordance with the provision of the statutes relating to such contracts with respect to the different classes of cities.

Section 5. All necessary preliminary expenses incurred by the board or commission in the making of surveys, estimates of costs, the employment of professional or technical services, the giving of notices, the taking of options, and all other expenses of whatsoever nature necessary to be paid prior to the issue, sale and delivery of the bonds herein provided for, may be paid by the city and be reimbursed and repaid out of the proceeds of the sale of the bonds to be issued for the contruction, acquisition, extension or improvement of such flood control systems, as provided for in this act.

Section 6. If it becomes necessary to acquire rights of way, the land, easements or borrow-pits, or other property, and it cannot be acquired by purchase, the governing authority may condemn and obtain the needed property in the manner provided by KRS 416.010 to 416.080, or, alternatively, in the manner provided by the statutes for the condemnation of property for public purposes by the particular class of city exercising the authority of this Act.

Section 7. The cost of the flood control system for which bonds may be issued shall be deemed to include the cost of acquisition or construction thereof, the cost of all the property rights, easements and franchises deemed necessary or convenient for the improvements determined upon, interest during construction, engineering and legal expenses, expenses for plans, specifications and surveys, administrative expenses and such other expenses as may be be necessary or incident to the construction or acquisition of the flood control system, and the placing of same in operation, and the performance of the things required or permitted by this Act.

Section 8. If the governing authority of the city shall provide that the entire cost or part of the cost of construction, extending and improving the flood control system shall be at the general expense of the city, it may issue and sell bonds of the city and make the appropriate levies and provisions for payment thereof as provided in KRS 66.050, 66.060, and 66.070, respectively.

Section 9. If the governing authority of the city shall provide that the entire or part of the cost of constructing, extending or improving the flood control system shall be at the expense of the property benefited thereby, then in order to provide a fund for the payment of the cost, the governing authority of the city shall issue and sell flood control system bonds from time to time as funds are needed upon such terms and conditions as said governing authority may declare by ordinance. Provided, however, that said bonds and the interest thereon shall be payable exclusively by the levy of a tax or assessment against the property benefited thereby including easements, as said governing authority may determine. Such bonds shall not be an indebtedness of the city, but the city shall pledge and obligate itself to levy and collect sufficient and necessary taxes or assessments annually upon the property benefited for the satisfaction of said bonds as hereinafter provided. Such bonds shall have all the qualities and incidents of negotiable instruments.

Section 10. The sum necessary to be raised annually for the sinking fund and maintenance or operation fund shall be assessed against the property benefited in proportion that the assessed value of each parcel or item of property for city or county taxation shall bear to the whole assessed value as shown by the tax records of the city, if the property lies within the city, or the assessed value as shown by the tax records of the county, if the property lies outside of the corporate limits of the city. Where there is no such record, as in the case of public property or property owned by religious, charitable or educationel institutions, the same (except that owned by the Federal Government) shall be specially assessed by the respective assessing officers of the city or county, for which reasonable compensation may be made out of the maintenance fund.

Section 11. The governing authority of the city shall each year so long as any of said bonds remain unpaid levy and collect a tax sufficient for the purpose of creating a sinking fund and paying interest on bonds and provide for the cost of maintaining and operating said flood control system.

Such tax shall be due, payable and collected as other city taxes. If the governing board shall fail to do so in any year the levy previously made shall automatically become the levy for the year in which none shall have been made. A lien shall exist upon said property to the extent of said tax.

Section 12. After any tax or assessment remains delinquent for 30 days or more, the same, together with an added penalty of 10% thereof and interest at the rate of 6% per annum, may be collected and the lien enforced by a suit in equity in the name of or by the city for the use and benefit of the sinking and maintenance funds. In such an action it shall be sufficient to allege in substance that the flood control system has been inaugurated and the work done and accepted by the city without setting forth the ordinances and proceedings thereunder. Provided, however, that the court may in its discretion require that same be set up and pleaded more definitely and specifically.

Section 13. Any aggrieved owner of property shall have the right to appeal to the circuit court for a review of any action taken by the governing authority, board or commission within sixty days thereafter.

Section 14. The fiscal court of any county in which a flood control system is or may be provided, may contribute toward the costs thereof.

Section 15. The authority given by this act shall be in addition to and not in derogation of any existing power that any city now has. For all purposes of this Act cities shall have jurisdiction outside of the corporate limits except where such extended zone would overlap the bounary of another city, in which event the median line of the overlapping zones shall be the dividing line of their respective jurisdictions.

Section 16. This Act being necessary for the public health, safety and welfare, it shall be liberally construed to effectuate the purposes thereof.

The provisions of this Act shall be deemed severable as far as practical, and should any part be declared invalid or ineffectual, the remainder of the Act shall not be affected thereby but be given full force and effect.

Section 17. Whereas, there is immediate need for protection from floods and high waters, and the Federal Government has made and is making provision for financial aid to the cities, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval.

S. B. 210. An Act enabling the Kentucky Unemployment Compensation Commission to acquire a site, erect a building and to issue bonds.

Said bill is as follows, viz.:

(1) *Be it enacted by the General Assembly of the Commonwealth of Kentucky* that the Kentucky Unemployment Compensation Commission be and is hereby authorized and empowered to acquire, by purchase or otherwise, a site, and to erect an office building thereon.

(2) The Commission is authorized and empowered to apply all of the funds accumulated under the provisions of KRS 341.290 as of June 30, 1946, to the purchase price of such site and the construction of such office building.

(3) For the purpose of defraying the balance of the cost of constructing the office building the commission may borrow money and issue negotiable bonds. Such bonds shall be authorized by resolution of the commission.

All bonds under the provision of this section may be issued bearing interest at a rate not exceeding 6 per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times not exceeding 40 years from the date thereof, and at such place or places as the commission shall determine.

All such bonds shall be negotiable instruments and shall not be subject to taxation. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold at public sale to the highest and best bidder after such sale has been advertised by publication in a

newspaper of general circulation in the state of Kentucky not less than ten days prior to the date of such sale. Such bonds when issued shall be payable from the revenue as provided hereinafter and shall not constitute an indebtedness of the commission nor the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations. It shall be plainly stated on the face of such bond that same have been issued under the provisions of this section and that it does not not constitute an indebtedness of the commission or the Commonwealth of Kentucky within the meaning of any constitutional provisions or limitations.

All money received from any bonds issued pursuant hereto shall be applied solely to the erection of the building and necessary appurtenances thereto, provided that such money may also be used to advance the payment of interest on bonds during the first year following the date of such bonds. There shall be and there is hereby created a statutory mortgage lien upon the building and appurtenances to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons attached to said bonds. The building so acquired and the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holder of said bonds or any of the coupons may, either at law or in equity, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus or other proceedings, enforce and compel performance of all duties required by this section, including the making and collecting of sufficient rents, the segregation of the income and revenue, and the application thereof. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said building on behalf of the commission, with power to charge and collect rentals sufficient to provide for the payment of any bonds or orbligations outstanding against said building and for the payment of the operating expenses and apply the income and revenues in conformity with this section, and the resolutions referred to herein.

All funds which accumulate under KRS 341.290 from and after July 1, 1946, are hereby set aside and pledged as a separate and special fund to be used and applied in the payment of the interest on the principal of the bonds provided for hereinabove. In addition thereto, at or before the issuance of such bonds, the commission shall by resolution set aside and pledge in the separate and special fund referred to hereinabove all monies received from any agencies of the Federal Government which are specified by such agency to be used as rent by the commission. Said resolution shall also pledge that the commission will properly maintain and operate said building and carry sufficient insurance thereon to secure the payment of said bonds in the event said building should be damaged or destroyed.

In the event any surplus shall be accumulated in said special fund in excess of the amount of interest and principal payments coming due in the next calendar year, any such surplus shall be used to pay off and retire outstanding bonds.

The commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this section. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

Should the commission find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein prescribed and required.

The commission may provide by resolution any such provisions and stipulations for the administration of the building and the income, and for the security of the bond holders as the commission may deem necessary.

The commission may employ architects and engineers to prepare plans and specifications for and supervise the construction of said building.

Any such resolution or resolutions shall constitute a contract between the commission and the holder of any bond or bonds, coupon or coupons, and shall be binding in all respects upon the commission or its successors.

Ordered that said bills and resolution be printed and referred

To the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 151. An Act relating to fees allowed county clerk.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 117.140, Kentucky Revised Statutes, 1944, (Second Edition), be repealed, amended and reenacted so that when reenacted said section shall read, as follows:

(1) The county clerk is entitled to collect:

(a) For original registration, two cents for each person registered.

(b) For copying from the original registry into the copy book, or copying from the original for the use of any person, two cents per name, including data and remarks.

(c) For making copies of any registration books lost, mutilated or destroyed, two cents per name, including data and remarks.

(d) For preparing the lists of registered voters for use of election officers as required by KRS 117.110, six cents for each five names listed.

(2) The fees shall be paid by the county, except where the copying is done for an individual at his request.

Said Committee amendment is as follows, viz.:

Amend H. B. 151, Section 1, line 12 and 13 by striking out the language in lines 12 and 13 following the figures "117.110" and substitute in lieu thereof the following:

"one cent for each name listed on the original copy only."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson	M. B. Gilligan	Sylvester Phillips
Henry Arrowood	Otto W. Goff	L. W. Preston
F. O. Baker	R. M. Hall	E. F. Prichard
Harold L. Barnes	Harold G. Helm	Hobart Rayburn
Ott Begley	E. R. Hilton	Wade H. Riley
W. G. Biggers	Clyde S. Howard	Kelse H. Risner
Jack Bingham	Maurice Howard	Amos Runyan
B. J. Bonn	Jerry F. Howell	J. W. Simmons
J. C. Bradley	W. H. Hunt	Luther Slusher
B. K. Brantley	Paul Jonas	Forrest Smith
John Y. Brown	B. F. Kincaid	W. R. Smith
Chas. W. Burnley	G. O. Kirkpatrick	E. A. Spencer
W. K. Coleman	H. K. Lowman	Paul J. Stapleton
Fred Creasey	E. J. Lucas	Geo. W. Steinford
S. J. Daugherty	W. E. McClure	C. W. Taylor
L. A. Demumbrun	Jack McPherron	E. L. Thompson
E. R. Denny	Harry L. Moore	E. N. Todd
Adron Doran	J. L. Moore	Walter L. Trivette
G. I. Drury	J. Lee Moore	S. J. Wagner
Forest C. Easley	Joe T. Morgan	Lyle H. Webb
Bernie S. Edlin	E. C. Mullins	W. W. Webster
Eck Embry	Rodes K. Myers	Morris Weintraub
R. R. Ernst	Joe E. Nunn	Rodney Whitlow
A. H. Eversole	Louis T. Peniston	John Wilborn
Tom Gilliam		

—73

Those who voted in the negative were—

A. L. Love Lawrence Wells —2

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 389. An Act relating to the terms of court in the 11th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The introductory paragraph and subsection (11) of section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(11) *Eleventh District.* Green county, at Greensburg, on the third Monday in March, twelve juridicial days on the third Monday in June and November, eighteen juridicial days each.

Marion County, at Lebanon, on the fourth Monday in January, April and September, twenty-four juridicial days each.

Taylor County, at Campbellsville, on the first Monday in January, April and September, eighteen juridical days each.

Washington County, at Springfield, on the fourth Monday in February, May and October, eighteen juridicial days each.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	R. M. Hall	Sylvester Phillips
Roy W. Arnold	Harold G. Helm	L. W. Preston
Henry Arrowood	Clyde S. Howard	E. F. Prichard
F. O. Baker	Maurice Howard	Hobart Rayburn
Harold L. Barnes	Jerry F. Howell	Wade H. Riley
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
Jack Bingham	Kerby Jennings	J. W. Simmons
B. J. Bonn	Paul Jonas	Luther Slusher
J. C. Bradley	L. H. Jones	Forrest Smith
B. K. Brantley	B. F. Kincaid	W. R. Smith
John Y. Brown	G. O. Kirkpatrick	E. A. Spencer
Mrs. Mary Burnett	H. K. Lowman	Geo. W. Steinford
Chas. W. Burnley	E. J. Lucas	E. L. Thompson
W. K. Coleman	E. H. Martin	Ray G. Tipton
S. J. Daugherty	W. E. McClure	E. N. Todd
L. A. Demumbrun	Jack McPherron	Walter L. Trivette
E. R. Denny	Harry L. Moore	S. J. Wagner
Adron Doran	J. L. Moore	Harry F. Walters
G. I. Drury	Fred Morgan	Lyle H. Webb
Forest C. Easley	Joe T. Morgan	W. W. Webster
Bernie S. Edlin	E. C. Mullins	Morris Weintraub
Eck Embry	Rodes K. Myers	Lawrence Wells
R. R. Ernst	J. C. Newcomb	Rodney Whitlow
A. H. Eversole	Joe E. Nunn	John Wilborn
Otto W. Goff		

—76

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 322. An Act repealing, amending and reenacting Sec. 94.730 KRS.

With a Committee Amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

THAT Section 94.730 of the Kentucky Revised Statutes (being Chapter 61, Acts of 1942) is hereby repealed, amended and re-enacted, so that as amended and re-enacted, the said Section shall read as follows:

Whenever in the opinion of the Board of Commissioners or other legislative body of any city of the second class, land or other property, or right of way, or easement over or through any property, is needed by the city to construct or erect, or to permit others, including the United States of America or any governmental department, branch or agency thereof, to construct or erect a wall or other barrier, for the purpose of protecting the city and its property and the property and land of its inhabitants from floods or high water, either within or beyond the boundaries of the city and in the county in which the city is located, the city's Board of Commissioners or other legislative body may, by resolution reciting the need, order the condemnation of the land or other property, or right of way or easement, needed for such purpose or project, and may proceed to condemn and acquire title to any such land or other property, or right of way or easement, as provided by and pursuant to the provisions of Sections 94.680 to 94.720, inclusive, of the Kentucky Revised Statutes, and as further provided by and pursuant to the provisions hereinafter set out:

(1) The judge of the circuit court shall, upon the filing of a petition by the city, seeking condemnation of any of such land or other property, or right of way or easement for such purpose or project, grant and award immediate possession and full and complete use and control of said land or other property, or right of way or easement to the city by an interlocutory judgment which shall be rendered immediately after

the filing of the report by the commissioners duly appointed pursuant to the provisions of Section 94.690, Kentucky Revised Statutes, and the city shall thereupon be entitled to take possession thereof and to use and control the same for the purpose for which it is being condemned as fully as if the title had been conveyed to it; however, prior to the rendering of the interlocutory judgment, the city shall be required to pay into court the sum awarded by the commissioners in their report for such land or other property, or right of way or easement. The court shall, after having rendered said interlocutory judgment, upon motion by the city, make such orders as may be necessary and proper for the conveyance of such land or other property or property rights to the city, vesting in the city the title to the land or other property, easement or right of way as described in such condemnation proceeding, and shall cause its commissioner or special commissioner appointed by the court to execute and deliver to the city a deed of conveyance therefor, which deed shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court.

(2) The commissioners appointed pursuant to Section 94.690, Kentucky Revised Statutes, may report at any time after summons has been duly issued or warning order attorney appointed. Thereafter, either party may, before answer day, file written exceptions to said report, as provided in Section 94.700, Kentucky Revised Statutes, except that the city's exceptions, if any, shall be made and filed prior to the entry of said interlocutory judgment. The sum not in controversy shall be paid or tendered to the parties defendant by the court prior to the entry of said interlocutory judgment.

(3) It is further provided that before rendering the interlocutory judgment, the court shall require the city to execute a bond, with surety to be approved by the court, conditioned upon the city paying to the parties defendant the difference between the sum paid into court and that which may thereafter be finally determined to be the value of the property or property rights and incidental damages, if any, if the parties defendant except to the report of the commissioners, unless the city shall have sufficient funds duly ap-

propriated, properly allocated to that purpose, and on deposit to pay any money judgments, including all costs adjudged against the city, that may thereafter be rendered against it, and such fact or facts shall be alleged in its petition for condemnation.

(4) The city shall not be permitted to abandon the condemnation proceedings after having obtained possession and title to said land or other property or property rights unless none of the parties defendant will be materially prejudiced thereby.

(5) The proceedings for condemnation under the provisions of this section shall be conducted in the name of the city by the city solicitor or in the name of the city by special counsel employed and designated by it to conduct such condemnation proceedings for such purpose, which power to employ and designate special counsel for such purpose is granted the city, notwithstanding the provision of Sub-section 2 of Section 94.680, Kentucky Revised Statutes, requiring condemnation proceedings to be conducted in the name of the city by the city solicitor.

An emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Said Committee amendment is as follows, viz.:

Amend H. B. 322 on page 5, section 5, line 78 by striking lines 78 and 79 and substituting in lieu therefor the following:

Whereas, it is imperative that the lives and property of persons in cities of the second class be protected from the dangers of floods, an emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of

said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	C. L. Hammonds	Sylvester Phillips
Roy W. Arnold	Harold G. Helm	L. W. Preston
Henry Arrowood	Clyde S. Howard	E. F. Prichard
F. O. Baker	Maurice Howard	Hobart Rayburn
Harold L. Barnes	Jerry F. Howell	Wade H. Riley
F. H. Bassett, Jr.	J. J. Huff	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
W. G. Biggers	W. H. Hunt	J. W. Simmons
Jack Bingham	Kerby Jennings	Luther Slusher
B. J. Bonn	Paul Jonas	Forrest Smith
J. C. Bradley	G. O. Kirkpatrick	W. R. Smith
B. K. Brantley	A. L. Love	E. A. Spencer
John Y. Brown	E. J. Lucas	E. L. Thompson
Mrs. Mary Burnett	E. H. Martin	Ray G. Tipton
Chas. W. Burnley	W. E. McClure	E. N. Todd
S. J. Daugherty	Jack McPherron	Walter L. Trivette
L. A. Demumbrun	Harry L. Moore	S. J. Wagner
E. R. Denny	J. L. Moore	Harry F. Walters
Forest C. Easley	J. Lee Moore	Lyle H. Webb
Bernie S. Edlin	Joe T. Morgan	W. W. Webster
Eck Embry	E. C. Mullins	Morris Weintraub
A. H. Eversole	Rodes K. Myers	Lawrence Wells
Tom Gilliam	J. C. Newcomb	Rodney Whitlow
Otto W. Goff	Joe E. Nunn	John Wilborn
R. M. Hall	Louis T. Peniston	—74

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 312. An Act relating to game and fish.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.010 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means taking fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grappling hooks, gang hooks, or snag lines, or gigs and nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commission" means the Game and Fish Commission.

(4) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(5) "Director" means the Director of the Division of Game and Fish.

(6) "Division" means the Division of Game and Fish.

(7) "Impounded waters" means any public waters backed up by a dam constructed and used for hydro-electric purposes or for the purposes of flood control.

(8) "Minnows" means all fish under six inches in length, except bass (large and small mouth), rock bass, goggle-eye, trout, crappie, jack salmon, walleyed pike or striped bass, sand pike or sauger or muskellunge.

(9) "Navigable waters" means any waters within this state under lock and dam.

(10) "Nonresident" is a person who has not resided in this state for one year prior to his application for a license.

(11) "Public waters" means all waters within the state flowing in a natural channel stream.

(12) "Raw fur" means a hide, fur or pelt of a fur-bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(13) "Resident" is a person who has resided in this State for one year prior to his application for a license.

(14) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(15) "Take" means hunt, kill, trap or capture in any way or attempt to hunt, kill, trap or capture in any way.

(16) "Transport" includes offering or receiving for transportation.

(17) "Wild bird" and "wild animal" includes such wild bird or wild animal or any part thereof.

Section 2. Subsection (3) of Section 150.160 of Kentucky Revised Statutes of 1944 is amended to read as follows:

(3) There shall be taxed as costs in each case, where there is a conviction under this chapter, a fee of $5.00, which shall be forwarded to the Division of Game and Fish, by the Judge or Clerk of the court. The report made under KRS 150.140 shall include the name of the arresting officer and the Division shall within 90-days after the receipt of any fee taxed under this section pay the fee over to the arresting officer.

Section 3. Section 150.170 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as provided in subsection (2), (3), (4), (5), and (6) of this section, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife or wild animals protected or unprotected, or the angling in any stream or body of water, whether public or private, without the securing of the license provided for herein, except as provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping, and, with-

out a fishing license, take fish by angling, or take minnows by use of a minnow seine.

(3) Resident landowners, their resident children and lessees on their lands may, without a fishing license, take fish from the water therein by angling, such angling, in the case of public waters, to be from the bank only, and may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or non residents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is 65 years of age or older may, without a hunting or fishing license, do any act authorized by such license, but while so doing he must carry on his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this State who kills on his land any wild animal that is causing damage to such land or to any personal property located thereon.

(7) In the event a reciprocal agreement is entered into between the Director of the Division of Game and Fish of this State, with the aproval of the Commission, and the similar authority of the State of Tennessee, pursuant to which persons holding a fishing license (Resident or Non-resident) or a state-wide hunting license (Resident or Non-resident) or county hunting license issued in this State are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the state of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this State, without having obtained a license therefor in this State.

Section 4. A new section of the statutes is created to be numbered section 150.175 and to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized by such licenses and tags subject to the other provisions of this chapter, are as follows:

(1) A fishing license, which authorizes the holder thereof to take fish by angling from any of the waters of this State, including the Ohio River; and to take minnows by use of a minnow seine; and to take frogs.

(2) A 3-day fishing license, which may be issued only to a non-resident and which authorizes the holder thereof to take fish by angling from any of the waters of this state, including the Ohio River, for a period of three consecutive days, beginning as of a day which shall be stated in the license by the county clerk when issued.

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of seines, hoop nets, or snag lines, provided that he has obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail.

(4) A wholesale fish dealer's license, which authorizes the holder thereof to sell to dealers or retailers for the purpose of re-sale, any kind of fresh or salt water fish not protected by this chapter, and imported wall-eyed pike or sauger. This is not intended to require a license for the sale of canned, smoked, pickled or dried fish.

(5) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River by angling only.

(6) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under commercial fishing license, as defined in subsection (3) of this section, provided that he has obtained a tag for each seine, hoop net and snag line.

(7) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, 100-feet of seine or part thereof. A separate tag is required for each 100-feet of seine or part thereof.

(8) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag is required for each hoop net.

(9) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag is required for each snag line.

(10) A live bait dealer's license which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling.

(11) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed.

(12) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals, in any county of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow, or with gun; and to participate in a fox hunting party engaged in hunting or pursuing red fox with dogs for sport; and to take frogs.

(13) A county hunting license, which may be issued only to a resident of this state, and which authorizes the holder thereof to exercise, only in the county for which the license is issued, the privileges authorized by a state-wide hunting license.

(14) A trapping license, which authorizes the holder thereof to take wild animals by trapping, upon his own lands

or upon the lands of another person (after having obtained a written consent as provided in KRS 150.400 and 150.410).

(15) A taxidermist license, which authorizes holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals.

(16) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration for any kind for services rendered as a guide for angling or hunting parties.

(17) A rabbit retail dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits from 26 to 100 in any day, for retail sale.

(18) A rabbit wholesale dealer's license, which may be issued only to a person operating a store or other commercial establishment, and which authorizes the holder thereof to handle any number of rabbits of 26 to 500 in any day for wholesale or retail sale.

(19) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and to sell raw furs so purchased to a licensed fur processor.

(20) A fur processor's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufaucture or holding in cold storage for re-sale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from other fur processors licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.

(21) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this State.

Section 5. A new section of the statutes is created to be numbered KRS. 150.176 and to read as follows:

No hunting or fishing licenses authorized by this chapter shall be issued to a resident of any other state which does not grant to citizens of this state the privilege to secure a license to hunt and fish during any open season in such state.

Section 6. Section 150.180 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as otherwise provided in this section or elsewhere in this chapter, no person for himself or as agent or employee of another shall sell or buy, or transport or direct to be transported, any wild animal, wild bird, or fish protected by this chapter, or any raw fur.

(2) Rabbits, and mussels, and fish, other than black bass (large mouth or small mouth), crappie, jack salmon, or wall-eyed pike or striped bass, sand pike or sauger and muskellunge may be bought and sold, and transported, if in legal possession, except that no rabbits may be sold to a nonresident for the purpose of transporting out of this State, or be shipped out of this State.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper to a licensed fur buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed resident fur buyer may buy raw furs from a licensed trapper, if in legal possession of the trapper, and a licensed fur processor may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a nonresident processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed nonresident fur buyer. A licensed nonresident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Any person authorized by subsection (4) of this section to sell or buy raw furs may transport, between any points within this State, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a nonresident

fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this State or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof, at any time during the period such pelts may be in his legal possession in this state, to a nonresident fur processor who is licensed in the state of his residence to deal in raw furs, or to a nonresident taxidermist for the purpose of mounting.

(5) A person who has been issued a license under this chapter and who has the license on his person may transport anywhere as part of his personal baggage any wild animals, wild birds, or fish, legally taken by him under such license, not in excess of the number that the law permits him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird, or fish in another state and who has in his possession the license which authorized such taking, may transport the same in this State, as part of his personal baggage, at any time during the open season for the particular species in the state in which taken or within 10-days after the close of such season. Any person may ship game or fish so taken subject to the provisions of the laws of the state in which the same were taken and the laws and regulations of the United States.

(7) This section shall not in any way interfere with the transporting of any wild animals, wild birds or fish by the authorized officers of the Division of Game and Fish.

(8) Federal regulations shall govern the transportation of all migratory wild birds.

Section 7. Section 150.190 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) The director with the approval of the Commission, may adopt the design of the licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed by the Director, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or give false information in the application.

(2) Except as provided in subsection (3) and (4) of this section, and in subsection (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Division, which record shall remain in his office and be open to the inspection of the public during all office hours. No county clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses, shall be issued by the Division directly, or through any person, resident or nonresident, designated by the Director as agent for the purpose. Any agent so designated shall be entitled to retain a fee of .25c out of the money received by him for each Ohio River Commercial fishing license; .15c for each seine tag and for each additional hoop net tag or snag line tag issued to the holders of an Ohio River Commercial fishing license; .15c for each Ohio River fishing license.

(4) Wholesale fish dealer's licenses, commercial guide's licenses, rabbit retail dealer's license, rabbit wholesale dealer's licenses, fur buyer's licenses (both resident and nonresident), and fur processor's licenses shall be issued directly by the Division. Any applicant for a commercial guide's license shall be required to present proof to the saitsfaction of the Director, in accordance with the regulations prescribed by the Director with the approval of the Commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the Director, in accordance with regulations prescribed by the Director, with the approval of the Commission, that he has sufficient equipment and facilities, including cold storage facilities, to engage in the business of processing, manufacture and storage of furs.

Section 8. Section 150.220 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by that section may be issued either to a resident of this state or to a nonresident, but the licenses to be issued to nonresidents shall bear the word "nonresidents" in prominent letters, and the fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing license
Resident $1.00
Nonresident 5.00

(b) 3 day Fishing license
Nonresident only $1.00

(c) Commercial fishing license (including tag for one hoop net and one snag line)
Resident 5.00
Nonresident 25.00

(d) Ohio River fishing license (residents of Ohio, Indiana and Illinois only) 1.00

(e) Ohio River commercial fishing license (including tag for one hoop net and one snag line, and to be issued to residents of Ohio, Indiana and Illinois only) 5.00

(f) Wholesale fish dealer's license
Resident 10.00
Nonresident 25.00

(g) Seine tag for each 100-ft. of seine or part thereof
Resident $2.00
Nonresident (holder of Ohio River commercial fishing license) 2.00
Other nonresidents 4.00

(h) Hoop net tag (for each additional net)
Resident 1.00
Nonresident holder of Ohio River Commercial fishing license 2.00
Other nonresidents 2.00

(i) Snag line tag (for each additional snag line)
Resident 1.00
Nonresident holder of Ohio River Commercial fishing license 1.00

Other nonresidents 2.00
(j) Live bait dealer's license (resident only) 5.00
(k) Musseling license
Resident 5.00
Nonresident 20.00
(l) State-wide hunting license
Resident 3.00
Nonresident 15.50
(m) County Hunting license (resident only) 1.00
(n) Trapping license
Resident 1.00
Nonresident 10.50
(o) Taxidermist's license (resident only) 3.00
(p) Commercial guide's license (resident only) 5.00
(q) Rabbit wholesale dealer's license (resident only) 10.00
(r) Rabbit retail dealer's license (resident only) 5.00
(s) Fur buyer's license
Resident 2.00
Nonresident 75.00
(t) Fur processor's license (resident only) 50.00

(3) The Division of Game and Fish may issue a special license without fee to the Chief Executive of the United States or of any other state, and to any official of another state, or of the federal government or a federal agency whose functions include matters related to the propagation, protection or preservation of game and fish. Such special license shall authorize the performance of any act authorized by a fishing license and a state-wide hunting license. No more than fifty of such licenses may be issued in any one year.

Section 9. Section 150.230 of KRS of 1944 is amended to read as follows:

(1) The county clerk shall retain as his fee, out of the money received by him for license and tags, the following fees:

(a) For each license or tag for which the fee is $1.00, a fee of .15c.

(b) For each license or tag for which the fee is from $2.00 to $5.00, a fee of .25c.

(c) All license fees above $5.00, a fee of .50c.

(2) These fees shall cover the swearing of the applicant to his application, and all other services under this chapter. The county clerk shall pay the payments remaining after deducting his fee, to the State Treasurer, on the first day of each month, which amount shall be credited to the Game and Fish fund. The county clerk shall report to the Director on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

Section 10. A new section of the statutes is created to be numbered KRS 150.235 and to read as follows:

(1) No person shall to any act authorized by any kind of license provided for in this chapter unless at the time thereof he has the license provided therefore on his person, except that in the case of a wholesale fish dealer's license, a rabbit wholesale dealer's license, a rabbit retail dealer's license, and a fur processor's license, it shall be sufficient if the license is posted on the licensed premises.

(2) No license authorized by this chapter, except a wholesale fish dealer's license, a rabbit wholesale dealer's license, a rabbit retail dealer's license, and a fur processor's license, may be issued except to an individual, and no more than one such license may be issued to any individual in any calendar year. A wholesale fish dealer's license, a rabbit wholesale dealer's license, a rabbit retail dealer's license, and a fur processor's license, may be issued to an individual or to a partnership, firm or corporation, and as many such licenses may be issued to any individual, partnership, firm or corporation as may be required for the various premises upon which the licensed business is to be carried on. In the case of a rabbit wholesale dealer's license, a rabbit retail dealer's license, or a fur processor's license, no employee or agent of the person, firm, partnership, or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the Director. For the purpose of securing such agent's cards, the holder of the license shall file with the Division an appli-

cation form, giving the name and general description of each agent or employee who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The Director with approval of the Commission shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used, and may revoke any such cards whenever it appears to the Director that the holder thereof is not complying in all respects with the purposes and intent of this chapter.

(3) Whenever in this chapter reference is made to the "Holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may permit any other person to carry his license.

Section 11. A new section of the statutes is created, to be numbered KRS 150.275.

The Director may issue to any qualified person a permit to take and transport wild animals, birds or fish at any time for scientific or educational purposes; these permits shall be valid at the discretion of the Director and shall show the period of their validity. The fee for such permits shall be $1.00.

Section 12. A new section of the statutes is created to be numbered KRS 150.305 and to read as follows:

(1) Except as otherwise provided in this section, no person shall have in his possession any wild bird, wild animal or fish protected by this chapter, or any raw fur, except during the open season for the particular species.

(2) Any person who has legally taken any rabbit, squirrel, quail or grouse may have the same in his possession in a frozen food locker, either in his home or in a commercial locker plant, for a period of 90-days after the close of the season for the particular species. The name of the taker, the date of taking, and the number and species of animal or bird must be marked on the package in which the same are stored. Legally imported game or fish may be held in such a frozen food locker for a period of time to conform with pure food law, providing however, the date of storage, with the number

of the nonresident license be attached or stamped on each package or carcass.

(3) Any person who has legally taken any wild animal, wild bird or fish in another state and who has legally transported or shipped the same to this State in accordance with the provisions of subsection (6) of KRS 150.180, may have the same in his possession, other than in a frozen food locker as above provided, in this State for a period of not more than 10-days after the close of the open season in the state in which the same was taken.

(4) Federal regulations shall govern the possession of migratory wild birds.

(5) Any person who has legally taken a fur bearing animal, or the raw fur thereof, may have the same in his possession until February 15, following the close of the season.

(6) A licensed fur buyer (resident or nonresident) may buy or have in his possession raw furs until February 20, following the close of the season.

(7) A licensed fur processor may buy raw furs from a licensed fur buyer at any time during the period that a fur buyer is authorized by this section to sell raw furs, and the licensed fur processor is further authorized to hold raw furs in cold storage for the purpose of manufacture or processing, or to buy from or sell to another licensed fur processor, at any time in the year.

Section 13. Section 150.310 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take a wild bird except with bow and arrow or with a gun, which gun shall not be larger than a 10-gauge fired from the shoulder. No bird shall be taken with, or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

(2) No person shall hunt birds with lights or other means used to blind birds at night.

Section 14. Subsection (1) of Section 150.330 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take any wild birds except during the open season for the particular species. The open season for quail or bob-white shall be November 20 to January 10. The open season for ruffed grouse or native pheasant shall be December 1 to December 15. There shall be no open season on wild turkey. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

Section 15. Subsection (2) of Section 150.360 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(2) A gun used in the taking of wild animals shall be no larger than a 10-gauge and fired from the shoulder. No wild naimals shall be taken with, or by means of, any automatic-loading or hand-operated repeating shot-gun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined.

Section 16. A new section of the statutes is created to be numbered KRS 150.365 and to read as follows:

No person shall use fire or smoke to drive game out of a hole or a tree, or burn a field for the purpose of driving game.

Section 17. Section 150.370 of Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. The open season for rabbits shall be November 20 to January 10; the open season for mink, oppossum, raccoon, skunk, muskrat and red fox shall be December 1 to January

31; for squirrel, August 15 to November 30; and for pond, bull or jumbo frogs, June 1 to May 1. Oppossum and raccoon may also be hunted and taken by dog only from November 1 to January 31. There shall be no open season for otter or beaver.

(2) Subsection (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper between January 31 and February 15, or by a fur buyer between January 31 and February 20.

Section 18. Section 150.380 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No person shall in any one day take more than six squirrels, eight rabbits, or fifteen pond, bull or jumbo frogs, nor shall any person have in his possession at any time more than such number, except as follows:

(1) A person who has hunted two or more days in succession may have in his possession a total of not more than twice the number above allowed.

(2) A person may have in his possession in a cold storage locker, as provided in KRS 150.305 a number not exceeding two days' bag limit after the first day of the hunting season.

(3) The holder of a rabbit retail dealer's license may have in his possession not more than 100 rabbits.

(4) The holder of a rabbit wholesale dealer's license may have in his possession not more than 500 rabbits.

Section 19. A new section of the statutes is created to be numbered KRS 150.411 and to read as follows:

Every licensed taxidermist shall keep a suitable record in which he shall enter the species of each animal mounted by him, and the name and address of the person for whom

the mounting was done. Within 10-days after the end of each month, he shall send to the Division of Game and Fish a report showing the number and name of animals of each species mounted by him during such month, and the name and address of the person for which each animal was mounted. No animal or bird shall be mounted except during open season, unless a permit is issued by the Director, which shall be issued without cost.

Section 20. A new section of the statutes is created, to be numbered KRS 150.412 and to read as follows:

No commercial guide may participate in the taking of game or fish protected by this chapter beyond the bag limit or creel limit of the person or persons he is guiding.

Section 21. A new section of the statutes is created to be numbered KRS 150.415 and to read as follows:

Every licensed fur buyer shall, upon purchasing any raw fur, issue a receipt to the trapper from whom he has purchased such furs, setting forth the number and kind of furs, the date of the purchase, the price paid for each fur, and the license number of the trapper's license. The buyer shall make out a duplicate receipt at the same time, and obtain the signature and address on such duplicate of the trapper from whom the furs were purchased. Not later than March 1 of each year, the buyer shall send the duplicate receipts to the Division. Failure to send the receipts in as herein directed shall bar the licensee from obtaining a license for the following year.

Section 22. A new section of the statutes is created to be numbered KRS 150.416 and to read as follows:

Every licensed fur processor shall, within 15 days after January 1 and July 1 of each year, file with the Division of Game and Fish an inventory of the furs in his possession as of such dates. Each licensed fur processor shall also issue receipts for the total amount of furs purchased from the fur buyers, with the license number of the fur buyer on the receipt. Duplicates of such receipts shall be sent to the Division with the inventory report.

Section 23. A new section of the statutes is created, to be numbered KRS 150.417 and to read as follows:

In any prosecution of a nonresident for buying a raw fur or furs without a fur buyer's license, proof that such person was in the company of a resident fur buyer at the time the latter purchased a raw fur shall constitute prima facie evidence that such nonresident was engaging in the business of buying raw furs without a license.

Section 24. Sections 150.420 and 150.430 of the Kentucky Revised Statutes of 1944 are repealed.

Section 25. Section 150.440 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Except as otherwise provided in this chapter, no person shall take fish from the public waters of this State except by angling.

(2) No person shall take fish from any of the public waters of this State during the period from May 1 to May 29 (both days included) each year, except with pole and line in impounded waters, and by angling or commercial fishing in navigable streams but not above the last lock and dam.

Section 26. Section 150.445 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) No person shall take fish by the use of a trot line, hand line, set line, throw line, or snag line that is longer than the width of the stream in which it is used at the point where such line is used.

(2) No person shall place or use any trot line, hand line, set line, throw line or snag line within 350 yards of the Kentucky Dam on the Tennessee River at Gilbertsville, nor within 200 yards of any other lock and dam on a navigable stream.

Section 27. Section 150.450 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this State with a minnow seine not more than 10 feet in length and 4 feet in width or height, with mesh not larger than ¼ inch, or with a minnow trap not more than 3 feet in length and 18 inches in diameter, with an opening not larger than 1¼ inches. Any fish caught which are excluded from the defini-

tions of minnows in KRS 150.010 shall be immediately returned, without injury, to the waters from which they are taken.

(2) Any person may take by the use of licensed seins, the mesh of which is not less than 2 inches square, or by the use of licensed hoop nets without wings, any fish from streams forming part of the boundary of this State and from the navigable streams of this State. But no person shall take any fish by seines or nets or place any seines or nets in any of these streams within 200 yards of the mouth of any stream entering into those waters, nor within 200 yards of the mouth of any navigable stream within the State, nor within 350 yards of Kentucky Dam on the Tennessee River at Gilbertsville, nor within 200 yards of any other lock or dam located on the stream, nor above the last lock or dam in any navigable stream. Any fish protected by this chapter caught in seines or nets shall immediately be returned without injury to the waters from which taken.

(3) No person shall operate or have in possession any seines or nets unless he has procured a commercial fishing license or an Ohio River Commercial Fishing License and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets at all times. This section does not require dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale.

Section 28. Subsection (2) of Section 150.470 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No person shall take or have in his possession any black bass (large mouth, small mouth, or Kentucky) under 10 inches in length, nor any crappie under 8 inches in length, nor any channel or fiddler cat under 10 inches in length whole, or 8 inches in length without the head, nor any jack salmon or walleyed pike, sand pike or sauger under 13 inches in length, or any muskellunge under 18 inches in length.

Section 29. Section 150.490 of the Kentucky Revised Statutes of 1944 is repealed.

Section 30. Section 150.510 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

On or before December 31 of the year in which any musseling license is issued, the holder shall make a written report to the Game and Fish Division, stating the total weight of mussels taken under the license, the names and location of the waters from which the mussels were taken and the amount received for shells sold. Upon the failure to make such report, the Director shall not issue another license until such report is made.

Section 31. A new section of the statutes is created to be numbered KRS 150.590 and to read as follows:

No person shall have in possession in this State or bring into this State any gill nets, trammel nets, or illegal seines or any steel traps not authorized by the Director, except that a bonafide wholesaler or manufacturer may have any such devices in his possession for sale to nonresidents outside this State.

Section 32. A new section of the statutes is created to be numbered KRS 150.991 and to read as follows:

Any county clerk who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190, shall be fined not less than $100.00.

Section 33. Section 150.340 of the Kentucky Revised Statutes of 1944 is amended to read as follows:

No person shall, in any one day, take more wild birds for which there is an open season, than the bag limit for the species as set out herein:

Quail	10
Ruffed Grouse or Native Pheasant	2
Doves	Federal Regulations apply
Ducks	Federal Regulations apply
Geese	Federal Regulations apply
Coots and Gallinule	Federal Regulations apply
Woodcock	Federal Regulations apply
Snipe	Federal Regulations apply

No person shall have in his possession at any time, any number of quail, ruffed grouse or native pheasant in excess

of the bag limit above set forth for the particular species, except that a person who has hunted two or more days in succession may have in his possession a total of not more than twice the bag limit for such birds and a person may have in his possession, in a cold storage locker, as provided in KRS 150.305, a number not exceeding two day's bag limit after the first day of the hunting season; provided, however, that no person shall take more than ten ruffed grouse or native pheasant during any open season for the same.

Said Committee amendments are as follows, viz.:

1. Amend H. B. 312 on pages 2 and 3, sec. 2, lines 1 to 9 by striking out Section 2 of the printed bill on pages 2 and 3.

2. Amend H. B. 312 on page 17, section 14, line 5 by striking the word and figures "January 10" and inserting in lieu thereof the words and figures "January 15"

3. Amend H. B. 312 on page 18, sec. 17, line 5 by striking out the word and figures "January 10" and inserting in lieu thereof the word and figures "January 15"

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson	Jack Bingham	W. K. Coleman
Henry Arrowood	B. J. Bonn	Fred Creasey
F. O. Baker	J. C. Bradley	S. J. Daugherty
Harold L. Barnes	B. K. Brantley	E. R. Denny
F. H. Bassett, Jr.	John Y. Brown	Adron Doran
Ott Begley	Mrs. Mary Burnett	G. I. Drury
W. G. Biggers	Chas. W. Burnley	Forest C. Easley

Bernie S. Edlin	E. J. Lucas	Amos Runyan
Eck Embry	E. H. Martin	J. W. Simmons
R. R. Ernst	W. E. McClure	Luther Slusher
A. H. Eversole	Jack McPherron	Forrest Smith
Tom Gilliam	Harry L. Moore	W. R. Smith
M. B. Gilligan	J. L. Moore	E. A. Spencer
Otto W. Goff	J. Lee Moore	Paul J. Stapleton
R. M. Hall	Fred Morgan	Geo. W. Steinford
C. L. Hammonds	Joe T. Morgan	E. L. Thompson
Harold G. Helm	E. C. Mullins	Ray G. Tipton
Clyde S. Howard	Rodes K. Myers	E. N. Todd
Maurice Howard	J. C. Newcomb	Walter L. Trivette
Ira W. Hulette	Thos. A. Noe	S. J. Wagner
W. H. Hunt	Joe E. Nunn	Lyle H. Webb
Paul Jonas	Louis T. Peniston	W. W. Webster
L. H. Jones	Sylvester Phillips	Geo. J. Weining
B. F. Kincaid	Hobart Rayburn	Morris Weintraub
G. O. Kirkpatrick	Wade H. Riley	Rodney Whitlow
Edgar Kitchen	Kelse H. Risner	John Wilborn
A. L. Love		—79

Those who voted in the negative were—

Roy W. Arnold	Kerby Jennings	Homer E. Losey
L. A. Demumbrun		—4

Resolved that the title thereof be as aforesaid.

Mr. Kitchen moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 433. An Act to promote safe driving.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I

SECTION 1—DEFINITIONS

The following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(a) "Department" means the Department of Revenue, except where otherwise specified herein.

(b) "Highway" means every way or pace of whatever nature when any part of it is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(c) "Judgment"—Any judgement which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(d) "Motor Vehicle"—Every self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles (except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

(e) "License"—Any operator's license, temporary instruction permit or temporary license issued under the laws of this State pertaining to the licensing of operators.

(f) "Non-resident"—Every person who is not a resident of this State.

(g) "Non-resident's Operating Privilege"—The privilege conferred upon a non-resident by the laws of this State pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this State.

(h) "Operator"—Every person who is in actual physical control of a motor vehicle.

(i) "Owner"—A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

(j) "Person"—Every natural person, firm, co-partnership, association or corporation.

(k) "Proof of Financial Responsibility"—Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of $5,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of $10,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $1,000 because of injury to or destruction of property of others in any one accident.

(l) "Registration"—Registrations certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of motor vehicles.

(m) "State"—Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

ARTICLE II

SECTION 2—DEPARTMENT TO ADMINISTER ACT

(a) The Department shall administer and enforce the provisions of this Act and may make rules and regulations necessary for its administration.

(b) Any person aggrieved by an order or act of the Department under the provisions of this Act, may, within twenty days after notice thereof, bring an action against the Department in the Circuit Court of the county in which the accident or violation of law upon which the action of the

Department was based occurred to vacate or set aside the order or action of the Department on the ground that it is unlawful or unreasonable. The answer of the Department shall be served and filed within twenty days after the service of the complaint. The action shall then be at issue and stand ready for trial upon ten days notice to either party, on the equity side of the docket of the Court. The answer need not deny verbatim the allegations of the complaint, but a general denial thereof on behalf of the department shall be sufficient. The filing of such action shall not suspend the order or act of the Department unless a stay thereof shall be granted by the Court pending final determination of the review. Injunctive relief may also be granted by the Court in the manner and upon the terms provided by law.

SECTION 3—DEPARTMENT TO FURNISH OPERATING RECORD

The Department shall, upon request, furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the Department shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident.

ARTICLE III

SECURITY FOLLOWING ACCIDENTS

SECTION 4—REPORT OF ACCIDENT REQUIRED

(a) The operator of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed or injured or in which damage to the property of any one person including himself, in excess of $50 is sustained, shall immediately report the matter in writing to the Department of Revenue. If such operator be physically incapable of maknig such report, the owner of the motor vehicle involved in such accident, shall, as soon as he

learns of the accident, report the matter in writing to the Department. The operator or the owner shall make such other and additional reports relating to such accident as the Department of Revenue shall require.

(b) Failure to report an accident as herein provided or failure to give correctly the information required of him by the Department of Revenue in connection with such report shall be a misdemeanor and, in the event of injury or damage to the person or property of another in such accident, shall also constitute a ground for suspension or revocation of

1. the license or registration for any motor vehicle, or of all such licenses and registrations of the person failing to make such report as herein required, and

2. the non-resident's operating privilege of such person.

SECTION 5—SECURITY REQUIRED FOLLOWING ACCIDENT UNLESS EVIDENCE OF SUSPENSION FOR FAILURE TO DEPOSIT SECURITY

(a) The Department of Revenue, within 30 days after receiving the report of the accident as required under Section 4, shall suspend the license of each operator and all registrations of each owner certified as required to deposit security under this Section, and, if such operator is a non-resident, the privilege of operating a motor vehicle within this State, and, if such owner is a non-resident, the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum determined by the Department as sufficient to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; provided notice of such suspension shall be sent by the Department to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security.

(b) This section shall not apply:

1. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

2. To such operator, if not the owner of such motor vehicle if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

3. To such owner or operator if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy or bond; or

4. To any person qualifying as a self-insurer under Section 34.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State, at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than $10,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $1,000 because of injury to or destruction of property, of others in any one accident.

Upon receipt of notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish for filing with the Department a written notice that such policy or bond was in effect at the time of such accident.

SECTION 6—EXCEPTIONS TO REQUIREMENT OF SECURITY

The requirements as to security and suspension in Section 5 shall not apply:

1. To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

2. To the operator or the owner of a motor vehicle legally parked at the time of the accident.

3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

4. If, prior to the date that the Department would otherwise suspend license and registration or non-resident operating privilege under Section 5, there shall be filed with the Department evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a warrant for confession of judgment payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

SECTION 7—DURATION OF SUSPENSION

The license and registration and non-resident's operating privilege suspended as provided in Section 5 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until

1. Such person shall deposit or there shall be deposited on his behalf the security required under Section 5; or

2. One year shall have elapsed following the date of such accident and evidence satisfactory to the Department has been filed with it that during such period no action for damages arising out of such accident has been instituted; or

3. Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of non-liability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with Subdivision 4 of Section 6; provided, however, in the event there shall be any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the Department shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the Department shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until (1) such person deposits and thereafter maintains security as required under Section 5 in such amount as the Department may then determine, or (2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this State.

SECTION 8—APPLICATION TO NON-RESIDENTS, UNLICENSED DRIVERS AND UNREGISTERED MOTOR VEHICLES.

In case the operator or the owner of a motor vehicle involved in an accident within this State has no license or registration, he shall not be allowed a license or registration until he has complied with the requirements of this Article to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

SECTION 9—FORM AND AMOUNT OF SECURITY

The security required under this Article shall be in such form and in such amount as the Department of Revenue may require but in no case in excess of the limits specified in Section 5. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made

and, at any time while such deposit is in the custody of the Department of Revenue or State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons in whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

The Department may reduce the amount of security ordered in any case within 6 months after the date of the accident, if, in its judgement, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 10.

SECTION 10—CUSTODY, DISPOSITION AND RETURN OF SECURITY

Security deposited in compliance with the requirements of this article shall be placed by the Department of Revenue in the custody of the State Treasurer and shall be applicable only to the payment of a judgment or judgements rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under subdivision 3 of Section 7, and such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the Department has been filed with it that there has been a release from liability, or a final adjudication of non-liability, or a warrant for confession or judgment, or a duly acknowledged agreement, in accordance with Subdivision 4 of Section 6, or whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under Subdivision 3 of Section 7, the Department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

SECTION 11—MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS

Neither the report required by Section 4, nor the action taken by the Department of Revenue pursuant to this article, the findings, if any, of the Department upon which such action is based, nor the security filed as provided in this Article shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

ARTICLE IV

PROOF OF

FINANCIAL RESPONSIBILITY FOR THE FUTURE

SECTION 12—COURTS TO REPORT NON-PAYMENT OF JUDGMENTS AND CONVICTIONS

(a) Whenever any person fails within 60 days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this State, to forward to the Department immediately after the expiration of said 60 days, a certified copy of such judgment.

If the defendant named in any certified copy of a judgment reported to the Department is a non-resident, the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

(b) The clerk of the court, or the judge of a court which has no clerk, in which any conviction for violation of a motor vehicle law is rendered, or in which a person charged with violation of a motor vehicle law has pleaded guilty or forfeited bail, shall forward immediately to the department a certified copy of the judgment, order or record of other action of the court. This copy shall be prima facie evidence of the conviction, plea or other action stated.

SECTION 13—SUSPENSION FOR NON-PAYMENT OF JUDGMENTS

(a) Upon the receipt of a certified copy of a judgment, the Department shall forthwith suspend (except as provided

in Section 16) the license and registration and the non-resident's operating privilege of any person against whom such judgment was rendered.

(b) If the judgment creditor consents in writing, in such form as the Department may prescribe, that the judgment debtor be allowed license and registration or non-resident's operating privilege, the same may be allowed by the Department, in its discretion, for 6 months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 16 provided the judgment debtor furnishes proof of financial responsibility.

SECTION 14—SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN

Such license, registration and non-resident's operating privilege shall (except as provided in Section 16) remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such, person including any such person not previously licensed, unless and until every such judgment is stayed, satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of financial responsibility.

SECTION 15—PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS

Judgments in excess of the amounts specified in Section 1 (j) shall, for the purpose of this Act only, be deemed satisfied when payments in the amount so specified have been credited thereon; provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the respective amounts so specified.

SECTION 16—INSTALLMENT PAYMENT OF JUDGMENTS—DEFAULT

(a) A judgment debtor upon due notice to the judgment creditor may apply to the Court in which such judgment was

rendered for the privilege of paying such judgment in installments and the Court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Department shall not suspend a license, registration or a non-resident's operating privilege, and shall restore any license, registration or non-resident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.

(c) In the event the judment debtor fails to pay any installment as specified by such order, then upon notice of such default, the Department shall forthwith suspend the license, registration or non-resident's operating privilege of the judgment debtor until such judgment is satisfied as provided in this Act.

SECTION 17—PROOF REQUIRED UPON CERTAIN CONVICTIONS

(a) Whenever the Department, under any law of this State, suspends or revokes a license of any person upon receiving record of a conviction or a forfeiture of bail, the Department shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(b) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the Department suspends or revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

SECTION 18—ALTERNATE METHODS OF GIVING PROOF

Proof of financial responsibility shall be furnished for each motor vehicle registered by any person required to give such proof and may be given by filing:

1. A certificate of insurance as provided in Section 19 or Section 20; or

2. A bond as provided in Section 24; or

3. A certificate of deposit of money or securities as provided in Section 25.

SECTION 19—CERTIFICATE OF INSURANCE AS PROOF

(a) Proof of financial responsibility may be furnished by filing with the Department the written certificate of any insurance carrier duly authorized to do business in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate ref-

erence all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

SECTION 20 — CERTIFICATE FURNISHED BY NON-RESIDENT AS PROOF

(a) The non-resident owner of a motor vehicle not registered in this State may give proof of financial responsibility by filing with the Department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or or motor vehicles described in such certificate is registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this Act, and the Department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

1. Said insurance carrier shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State;

2. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the Department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

SECTION 21—"MOTOR VEHICLE LIABILITY POLICY" DEFINED

(a) A "motor vehicle liability policy" as said term is used in this Act shall mean an owner's or an operator's pol-

icy of liability insurance, certified as provided in Section 19 or Section 20 as proof of financial responsibility, and issued, except as otherwise provided in Section 20, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance.

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: $5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, $10,000 because of bodily injury to or death of two or more persons in any one accident, and $1,000 because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy; the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(e) Such motor vehicle liability policy shall not insure any liability under any Workmen's Compensation Law nor

any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Subdivision 2 of Subsection (b) of this Section.

4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the Act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability pol-

icy'' shall apply only to that part of the coverage which is required by this Section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

SECTION 22 — NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED POLICY

When an insurance carrier has certified a motor vehicle liability policy under Section 19 or a policy under Section 20, the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the Department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

SECTION 23—ACT NOT TO AFFECT OTHER POLICIES

(a) This Act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this Act, may be certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in

the insured's employ or on his behalf of motor vehicles not owned by the insured.

SECTION 24—BOND AS PROOF

(a) Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this State, or a bond with at least two individual sureties each owning real estate within this State, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in Section 1 (j). Such bond shall be filed with the Department and shall not be cancelable except after ten days written notice to the Department. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof resulting from the ownership, maintenance, use or operation of a motor vehicle after such bond was filed, upon the filing of notice to that effect by the Department in the office of the proper clerk or court of the county or city where such real estate shall be located.

(b) If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

SECTION 25—MONEY OR SECURITIES AS PROOF

(a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him $11,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of $11,000. The State Treasurer shall not accept any such deposit and issue a cer-

tificate therefor and the Department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

SECTION 26—OWNER MAY GIVE PROOF FOR OTHERS

Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the Department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The Department shall designate the restrictions imposed by this Section on the face of such person's license.

SECTION 27—SUBSTITUTION OF PROOF

The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

SECTION 28—OTHER PROOF MAY BE REQUIRED

Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the pur-

poses for which required, the Department shall for the purpose of this Act, require other proof as required by this Act, and shall suspend the license and registration or the non-resident's operating privilege pending the filing of such other proof.

SECTION 29—DURATION OF PROOF — WHEN PROOF MAY BE CANCELLED OR RETURNED

The Department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this Act as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

1. At any time after three years from the date such proof was required when, during the three-year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or non-resident's operating privilege of the person by or for whom such proof was furnished; or

2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. In the event the person who has given proof surrenders his license and registration to the Department;

Provided, however, that the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally

adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

Whenever any person whose proof has been cancelled or returned under Subdivision 3 of this Section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such three-year period.

ARTICLE V

VIOLATION OF PROVISIONS OF ACT—PENALTIES

SECTION 30—TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF ACT PROHIBITED

If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the Department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this Act. Nothing in this Section shall be held to apply to or affect the registration of any motor vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such motor vehicle from a person whose registration has been suspended under the provisions of this Act.

SECTION 31—SURRENDER OF LICENSE AND REGISTRATION

Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the Department shall immediately return his license and registration to the Department. If any person shall fail to return to the Department the license or registration as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and return the same to the Department.

SECTION 32—OTHER VIOLATIONS—PENALTIES

(a) Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this Act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than $500 or imprisoned not exceeding six months, or both.

(b) Any person willfully failing to return license or registration as required in Section 31 shall be fined not more than $500 or imprisoned not to exceed thirty days, or both.

(c) Any person who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such notice or evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(d) Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than $500 or imprisoned not more than ninety days, or both.

ARTICLE VI

GENERAL PROVISIONS

SECTION 33—EXCEPTIONS

This Act shall not apply with respect to any motor vehicle owned by the United States, this State or any political subdivision of this State or any municipality therein; nor, except for Sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of Chapter 281, KRS.

SECTION 34—SELF-INSURERS

(a) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in Sub-section (b) of this Section.

(b) The Department may, in its discretion, upon the application of such a person, issue a certificate of self-

insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than five days' notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SECTION 35—REPEAL OF EXISTING LAWS

1. Chapter 187, Sections 187.010 to 187.990, inclusive, of KRS, is hereby repealed except with respect to any accident, or judgment arising therefrom or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

2. This Act shall in no respect be considered as a repeal of any other State Motor Vehicle Laws but shall be construed as supplemental thereto.

SECTION 36—PAST APPLICATION OF ACT

This Act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

SECTION 37—ACT NOT TO PREVENT OTHER PROCESS

Nothing in this Act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

SECTION 38—CONSTITUTIONALITY

If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 39—TITLE OF ACT

This Act may be cited as the Motor Vehicle Safety-Responsibility Act.

SECTION 40—EFFECTIVE DATE

This Act shall be effective from and after January 1, 1947.

Mr. Preston offered the following amendment to said bill, viz.:

Amend H. B. 433 on page 6, sec. 5, line 4 by striking from line 4 of sec. 5 the words and figures "30 days" and inserting in lieu thereof the word and figures "60 days.",

Said amendment was agreed to.

Mr. Denny offered the following amendment to said bill, viz.:

Amend H. B. 433 on page 4, Art. II, section 2, par. (a), line 4 by adding at the end of line 4 the following:

"The Department of Revenue is hereby authorized to employ such additional persons, in accordance with the provisions of KRS 42.120 and 42.130, and incur travel, rental and other current and capital expenses necessary to accomplish the purposes of this Act. There is appropriated out of the Road Fund to the Department of Revenue for each of the fiscal years ending June 30, 1947 and June 30, 1948 an annual sum of $50,000 for the administration of this Act."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Clyde S. Howard	Louis T. Peniston
Henry Arrowood	Maurice Howard	Sylvester Phillips
Walter J. Bailey	Jerry F. Howell	L. W. Preston
F. O. Baker	Ira W. Hulette	E. F. Prichard
Harold L. Barnes	W. H. Hunt	Hobart Rayburn
Ott Begley	Kerby Jennings	Kelse H. Risner
W. G. Biggers	Paul Jonas	Amos Runyan
Jack Bingham	L. H. Jones	J. W. Simmons
J. C. Bradley	B. F. Kincaid	Luther Slusher
John Y. Brown	G. O. Kirkpatrick	Forrest Smith
Mrs. Mary Burnett	Edgar Kitchen	W. R. Smith
Chas. W. Burnley	Homer E. Losey	E. A. Spencer
Fred Creasey	A. L. Love	Paul J. Stapleton
L. A. Demumbrun	H. K. Lowman	Geo. W. Steinford
E. R. Denny	E. J. Lucas	E. L. Thompson
Adron Doran	E. H. Martin	Ray G. Tipton
G. I. Drury	W. E. McClure	E. N. Todd
Forest C. Easley	Jack McPherron	Walter L. Trivette
Bernie S. Edlin	Harry L. Moore	S. J. Wagner
Eck Embry	J. L. Moore	Harry F. Walters
R. R. Ernst	J. Lee Moore	Lyle H. Webb
A. H. Eversole	Fred Morgan	W. W. Webster
Tom Gilliam	Joe T. Morgan	Geo. J. Weining
M. B. Gilligan	E. C. Mullins	Morris Weintraub
Otto W. Goff	Rodes K. Myers	Lawrence Wells
R. M. Hall	Thos. A. Noe	Rodney Whitlow
C. L. Hammonds	Joe E. Nunn	John Wilborn
Harold G. Helm		

—82

Resolved that the title thereof be as aforesaid.

Mr. Spencer moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 315. An Act relating to swine.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Swine shall not be imported into Kentucky unless they are accompanied by a health certificate issued by a graduate licensed veterinarian, showing them to have been immunized by either the serum-alone or the serum-simultaneous method. The original of such certificate shall be attached to the waybill covering the shipment, and a duplicate thereof shall be forwarded to the office of the State Veterinarian. If the serum-alone method is used, the certificate must show such treatment to have been administered within 10 days immediately preceding date of shipment, or that the serum-simultaneous treatment shall have been administered at least 30 days prior to date of shipment.

Sec. 2. Any person who violates section one of this Act shall be fined not less than two hundred dollars nor more than one thousand dollars for each offense.

Mr. Walters offered the following amendment to said bill, viz.:

Amend H. B. 315, by adding after the word "swine" on page 1, sec. 1, line 1 the following: "for breeding purposes."

Said amendment was agreed to.

Ordered that said bill be engrossed, and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Harold G. Helm	J. C. Newcomb
Henry Arrowood	E. R. Hilton	Joe E. Nunn
F. O. Baker	Clyde S. Howard	Louis T. Peniston
Harold L. Barnes	Jerry F. Howell	L. W. Preston
F. H. Bassett, Jr.	J. J. Huff	E. F. Prichard
Ott Begley	Ira W. Hulette	Wade H. Riley
W. G. Biggers	W. H. Hunt	Amos Runyan
Jack Bingham	Kerby Jennings	J. W. Simmons
J. C. Bradley	Paul Jonas	Luther Slusher
Mrs. Mary Burnett	L. H. Jones	Forrest Smith
Chas. W. Burnley	B. F. Kincaid	W. R. Smith
S. J. Daugherty	G. O. Kirkpatrick	Paul J. Stapleton
L. A. Demumbrun	Edgar Kitchen	Geo. W. Steinford
E. R. Denny	H. K. Lowman	E. L. Thompson
Adron Doran	E. J. Lucas	E. N. Todd
G. I. Drury	E. H. Martin	Walter L. Trivette
Forest C. Easley	W. E. McClure	S. J. Wagner
Eck Embry	Jack McPherron	Harry F. Walters
R. R. Ernst	Harry L. Moore	Lyle H. Webb
A. H. Eversole	J. L. Moore	W. W. Webster
Tom Gilliam	J. Lee Moore	Morris Weintraub
M. B. Gilligan	Fred Morgan	Lawrence Wells
Otto W. Goff	E. C. Mullins	John Wilborn
C. L. Hammonds	Rodes K. Myers	—71

Resolved that the title thereof be as aforesaid.

Mr. Clyde Howard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 44. An Act relating to law clerks for the Court of Appeals.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Court of Appeals may appoint not more than two law clerks, to hold office at the pleasure of the Court, to perform such duties as may be required of them by the Court, and to receive such compensation as may be fixed by the Court.

§ 2. The law clerks shall be residents of Kentucky and graduates in good standing of an approved School of Law, and shall have been admitted and licensed to practice law in this Commonwealth, but shall not practice in this Commonwealth nor accept legal employment nor render service in any court of the Commonwealth while holding the office. The order of appointment shall be entered on the Order Book of the Court.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Forest C. Easley	Ira W. Hullette
F. O. Baker	Eck Embry	W. H. Hunt
Harold L. Barnes	R. R. Ernst	Paul Jonas
F. H. Bassett, Jr.	A. H. Eversole	L. H. Jones
W. G. Biggers	Tom Gilliam	B. F. Kincaid
Jack Bingham	M. B. Gilligan	G. O. Kirkpatrick
J. C. Bradley	Otto W. Goff	Edgar Kitchen
John Y. Brown	C. L. Hammonds	A. L. Love
Mrs. Mary Burnett	Harold G. Helm	H. K. Lowman
Chas. W. Burnley	E. R. Hilton	E. J. Lucas
S. J. Daugherty	Clyde S. Howard	E. H. Martin
L. A. Demumbrun	Maurice Howard	Jack McPherron
E. R. Denny	Jerry F. Howell	Harry L. Moore
G. I. Drury	J. J. Huff	J. L. Moore

J. Lee Moore	Wade H. Riley	Ray G. Tipton
Fred Morgan	Amos Runyan	E. N. Todd
E. C. Mullins	J. W. Simmons	Walter L. Trivette
Rodes K. Myers	Luther Slusher	S. J. Wagner
J. C. Newcomb	Forrest Smith	Harry F. Walters
Joe E. Nunn	W. R. Smith	Lyle H. Webb
Louis T. Peniston	E. A. Spencer	W. W. Webster
Sylvester Phillips	Paul J. Stapleton	Geo. J. Weining
L. W. Preston	Geo. W. Steinford	John Wilborn
E. F. Prichard	E. L. Thompson	—72

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Runyon of the Committee on Enrollment to which the same had been referred, reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 172. An Act to provide for a Division of Soil and Water Resources in the Department of Conservation.

H. B. 187. An Act relating to war veterans; establishing a Disabled Ex-Service Men's Board, etc.

H. B. 140. An Act establishing a public park on the Old State Capitol Grounds.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills, duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

A message was received from the Senate announcing that they had passed bills which originated in that body entitled:

S. B. 189. An Act relating to ordinances and resolutions of cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 83.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) No ordinance shall embrace more than one subject, and that subject shall be expressed in its title.

(2) No ordinance shall be passed at the meeting of the board of aldermen at which it is introduced, nor shall it be voted on at any succeeding meeting until it has been read in full at that meeting and free discussion allowed thereon. During the time between the meeting at which an ordinance is introduced and the meeting at which it is passed the ordinance shall remain on file open to public inspection. Any ordinance may be amended or repealed by another ordinance, except as provided in KRS 83.092.

(3) Every ordinance or resolution, except a resolution to adjourn, that has passed the board of aldermen, shall immediately be presented to the mayor for his approval or disapproval. The mayor may disapprove any item or items of an appropriation measure; the parts approved shall be in force and the item or items disapproved shall be void, unless repassed in the same manner required for passage of ordi-

nances over the mayor's veto. If the mayor approves an ordinance or resolution, he shall sign it, and it shall then take effect at the expiration of two weeks after such signing. If he disapproves an ordinance or resolution, or any item of an appropriating measure, he shall return it, with his objections, to the board of aldermen, which shall enter his objections in full upon its journal and proceed at its next or its second regular meeting thereafter to consider it. If, after such reconsideration, two-thirds of the members of the board of aldermen agree to its passage, the votes being taken by yeas and nays and recorded in the journal, the ordinance shall take effect at the expiration of two weeks after such passage.

(4) If the mayor does not sign an ordinance or resolution presented to him, and does not return it on or before the day on which the board of aldermen holds its regular meeting next after the meeting at which the ordinance or resolution was passed, and three days have intervened between the presentation to the mayor and the meeting, the ordinance or resolution shall have the same effect as if the mayor had signed it, and shall take effect at the expiration of two weeks after the day of such meeting.

§ 2. A new section of the statutes is created, to be numbered KRS 83.091 and to read as follows:

If, during the two weeks' period before an ordinance or resolution takes effect, a petition signed by a number of voters equal to at least twenty-five percent of the total number of votes cast for all candidates for mayor at the last preceding regular election for mayor stating the residence of each signer, and verified as to signatures and residences by the affidavits of one or more persons, is presented to the board of aldermen, protesting against the passage of the ordinance or resolution, the ordinance or resolution shall be suspended from going into effect and shall be reconsidered by the board of aldermen. If the ordinance or resolution is not then repealed, the board of aldermen shall submit to the voters of the whole city, at a regular election, the following question: "Shall the ordinance (or resolution) [briefly describing it] go into effect?" If a majority of the votes cast upon the question is in the negative, the ordinance or resolution shall

not go into effect. If a majority of the votes cast upon the question is in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

§ 3. A new section of the statutes is created, to be numbered KRS 83.092 and to read as follows:

(1) If a petition signed by a number of voters equal to at least twenty-five percent of the total number of votes cast for all candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by the affidavits of one or more persons as to the signature and residence, requesting the board of aldermen to pass an ordinance therein set forth, is presented to the board of aldermen, and if the ordinance therein requested to be passed, is one that the board has a legal right to pass, the board shall then either pass the proposed ordinance without alteration within ten days after the petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly, describing it) be passed"? If the majority of the votes cast upon the question is in the affirmative, the ordinance shall be thereby passed, and shall become effective as soon as the result is officially ascertained and declared, and the ordinance shall not be amended or repealed except by the voters at a regular city election. Any number of proposes ordinances requested by petition as above provided for may be voted on at any election.

(2) The board of aldermen may submit the question of the repeal or amendment of any such ordinance to the voters at any succeeding regular city election, and if a majority of the votes cast on the question is in favor of the repeal or amendment, the ordinance shall be thereby repealed or amended as the case may be.

(3) The provision of KRS 93.090 requiring an ordinance to lay over to a succeeding meeting shall not apply to an ordinance passed by the board of aldermen pursuant to a petition filed under this section, and the approval of the

mayor shall not be required to any ordinance adopted by the voters pursuant to this section.

S. B. 188. An Act relating to the office of assessor in cities of the first class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91.100, Kentucky Revised Statutes, is hereby amended and as amended reads:

The Director of Finance shall appoint an assessor who shall hold office until he resigns or is removed. The Director of Finance may, subject to the approval of the Mayor, remove the assessor at any time. The assessor shall assess all property in the city subject to taxation. The assessor shall appoint, with the approval of the Director of Finance, such deputies and assistants as are allowed to him by ordinance. The assessor may, subject to the approval of the Director of Finance, remove any deputy or assistant at any time. The manner in which the assessor shall perform his duties and exercise his powers shall be determined by ordinance. The assessor shall give bond with surety to be approved by the Director of Finance. The assessor and his deputies may administer and certify oaths.

This act insofar as it relates to offices with a term, shall as to each such office, take effect at the expiration of the term of the present incumbent.

Section 2. Whereas under existing statutes the Director of Finance is charged with general supervision of the city assessor and the receiver of city taxes and the administration of their offices, and

WHEREAS it is of urgent importance for the proper administration of the fiscal affairs of the cities of the first class that the authority of the Director of Finance be uniform as to the office of assessor and tax receiver, and WHEREAS a dissimilarity now exists which this act will correct, and make the administration uniform, an emergency is declared to exist and this act shall become effective immediately upon passage and approval by the Governor.

Ordered that said bills be printed and referred,

To the Committee on Rules.

And that they had passed a bill which originated in this House entitled:

H. B. 397. An Act relating to classified service under the merit system in cities of the first class.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 266. An Act relating to stenographers for county attorneys in counties containing a city of the 2nd class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.330 of the Kentucky Statutes is hereby repealed and re-enacted to read as follows:

69.330 (136c-1; 136c-2) Stenographer in counties containing a city of the second class. In counties containing a city of the second class, the county attorney shall appoint a stenographer for a term of four years, subject to removal at any time by the county attorney. The stenographer shall receive an annual salary of not less than $600 nor more than $1800.00 to be paid by the fiscal court out of the county levy in equal monthly installments.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Paul Jonas	Kelse H. Risner
Harold L. Barnes	G. O. Kirkpatrick	Amos Runyan
F. H. Bassett, Jr.	Edgar Kitchen	J. W. Simmons
W. G. Biggers	A. L. Love	Luther Slusher
Jack Bingham	H. K. Lowman	Forrest Smith
J. C. Bradley	E. J. Lucas	W. R. Smith
John Y. Brown	E. H. Martin	E. A. Spencer
Mrs. Mary Burnett	W. E. McClure	Paul J. Stapleton
Chas. W. Burnley	Jack McPherron	Geo. W. Steinford
G. I. Drury	E. C. Mullins	E. N. Todd
Bernie S. Edlin	Rodes K. Myers	S. J. Wagner
R. R. Ernst	J. C. Newcomb	Harry F. Walters
Henry J. Giles	Joe E. Nunn	Lyle H. Webb
Tom Gilliam	Louis T. Peniston	W. W. Webster
Otto W. Goff	Sylvester Phillips	Geo. J. Weining
Harold G. Helm	L. W. Preston	Morris Weintraub
Jerry F. Howell	E. F. Prichard	Lawrence Wells
J. J. Huff	Hobart Rayburn	Rodney Whitlow
Ira W. Hulette	Wade H. Riley	John Wilborn
W. H. Hunt		

—58

Resolved that the title thereof be as aforesaid.

Mr. Steinford moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 242. An Act concerning armories.

Mr. Lowman moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the Department of Military Affairs out of the General Expenditure Fund for each of the fiscal years ending June 30, 1947, and June 30, 1948, the sum of one hundred thousand dollars ($100,000) for the purpose of constructing, reconstructing, acquiring, maintaining, renting, supplying, equipping insuring and providing armories for the use of the Armories Division.

Section 2. Due to the uncertainty of obtaining materials, equipment and labor at the time of the passage of this Act, it is the intention of the General Assembly that any unexpended balance of the appropriation of one hundred thousand dollars ($100,000) for the fiscal year ending June 30, 1947, made by Section 1 of this Act shall not revert to the General Expenditure Fund, but shall continue to the next fiscal year ending June 30, 1948.

Section 3. KRS 36.080 (3) shall not apply to armories constructed by or rented from the Commonwealth of Kentucky Military Department Armory Corporation, organized under the laws of Kentucky July 10, 1939.

Section 4. Nothing in this Act shall be construed to repeal any appropriation to the Department of Military Affairs for the fiscal year ending June 30, 1946. The appropriation made by Section 1 of this Act shall not replace any other appropriation to the Department of Military Affairs for the fiscal biennium ending June 30, 1948, which may be passed by this session of the General Assembly, but shall be in addition to all sums heretofore or that may be hereafter appropriated to the Department of Military Affairs for other purposes.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker
Harold L. Barnes
F. H. Bassett, Jr.
Ott Begley
W. G. Biggers
Jack Bingham
B. J. Bonn
J. C. Bradley
B. K. Brantley
John Y. Brown
Mrs. Mary Burnett
Chas. W. Burnley
W. K. Coleman
Fred Creasey
S. J. Daugherty
L. A. Demumbrun
Adron Doran
Eck Embry
A. H. Eversole
Tom Gilliam
M. B. Gilligan
Otto W. Goff
R. M. Hall
Harold G. Helm
E. R. Hilton
Clyde S. Howard
Maurice Howard
Jerry F. Howell
Ira W. Hulette
Paul Jonas
L. H. Jones
A. L. Love
H. K. Lowman
E. J. Lucas
E. H. Martin
W. E. McClure
Jack McPherron
J. Lee Moore
Fred Morgan
Joe T. Morgan
E. C. Mullins
Rodes K. Myers
Joe E. Nunn
Louis T. Peniston
Sylvester Phillips
L. W. Preston
E. F. Prichard
Hobart Rayburn
Wade H. Riley
Kelse H. Risner
Amos Runyan
J. W. Simmons
Luther Slusher
Forrest Smith
W. R. Smith
E. A. Spencer
Paul J. Stapleton
Geo. W. Steinford
E. L. Thompson
Ray G. Tipton
E. N. Todd
Walter L. Trivette
S. J. Wagner
Lyle H. Webb
W. W. Webster
Rodney Whitlow
John Wilborn
—67

There voted in the negative—

Harry L. Moore —1

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 171. An Act relating to non-profit medical service plan corporations.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, the following terms have the meanings respectively assigned to them, unless the context otherwise plainly requires:

(1) "Medical service plan corporation" means a corporation organized without capital stock and not for profit and incorporated in this state specifically for the purpose of establishing, maintaining and operating a medical service plan.

(2) "Medical service plan" means a plan or arrangement under which medical services are or may be rendered to a subscriber, a covered dependent or other beneficiary by a licensed physician and surgeon at the expense of a medical service plan corporation or other person, as defined herein, in consideration of periodical prepayments made by the subscriber or another in his behalf prior to the occurrence of the condition calling for the rendition of medical or surgical services.

(3) "Medical services" means the general and usual services rendered and care administered by doctors of medicine. It shall not include hospital services.

(4) "Subscriber" means a person to whom a subscription certificate is issued by a medical service plan corporation, which sets forth the beneficiaries and the kinds and extent of the medical services for which the corporation is liable to make payment.

(5) "Beneficiary" means a person designated in the subscription contract referred to in paragraph 4 of this section as entitled to the medical services referred to in that paragraph.

(6) A "covered dependent" is the spouse, an adult dependent or a child of a subscriber.

(7) "Participating physician" means a doctor of medicine licensed to practice medicine and surgery in this state under the provisions of the medical practice act who agrees in writing with a medical service plan corporation to perform the medical services specified in the subscription certificates issued by the corporation and at such rates of compensation as shall be determined by the board of directors of the corporation and who agrees to abide by the by-laws, rules and regulations of the corporation applicable to participating physicians.

(8) "Commissioner" means the commissioner of insurance of the state.

(9) "Person" includes a natural person, a copartnership, an association, a common law trust or a corporation.

(10) "His" may import masculine, feminine or neuter gender.

Section 2. It shall be unlawful for any person, except a medical service plan corporation incorporated in accordance with the provisions of this act and operating in accordance with authority from the commissioner, to establish, maintain or operate a medical service plan or to solicit subscribers to or enter into contracts with respect to a medical service plan. This prohibition, however, shall not be construed as preventing a person from furnishing medical services for the prevention of disease among his employees or from furnishing such medical services as are required under the workmen's compensation act and related legislation when the employee is not charged for such services.

Section 3. Nine natural persons of full age and of either sex, all of whom are residents of this state and citizens of the United States and at least a majority of whom are doctors of medicine licensed to practice medicine and surgery in Kentucky, and members in good standing in the Kentucky State Medical Association may form, under the provisions of the General Not For Profit Corporation Act, so far as those provisions are applicable and are not inconsistent with the provisions of this act, a nonprofit medical service plan corpora-

tion for the purpose of establishing and operating a medical service plan or plans. The initial by-laws of the corporation shall be adopted by the incorporators. After the board of directors comes in to being, the power to alter, amend or repeal the by-laws shall be vested in that board. Such corporation shall be subject to regulation and supervision by the commissioner as hereinafter provided but shall not be subject to the laws of this state with respect to insurance corporations except as provided in this act. The action of the commissioner in any particular may be reviewed by an appeal to the Franklin Circuit Court.

Section 4. A medical service plan corporation shall consist of a board of directors and of such members, grouped in such classes, as the by-laws of the corporation shall provide. The business of such corporation shall be managed by a board of directors of nine persons possessing the same general qualifications as the incorporators and selected, in the manner set out in the by-laws, for three-year terms. Five or more members of the board shall be licensed doctors of medicine selected by the medical societies having territorial jurisdiction in the counties in which the corporation has authority to operate and the other members shall be representatives of the subscribers and of approved hospitals in the areas involved and shall be selected by the voting members of the corporation in such manner as the by-laws provide.

Section 5. A medical service plan corporation may, in its discretion and by its articles of incorporation or by-laws, limit the benefits that it will furnish, and may divide such benefits as it elects to furnish into classes or kinds. In the absence of any such limitation or division of service, such a corporation shall be authorized to provide either or both general and special medical and surgical care benefits. Such corporation may, in its discretion, limit the issuance of contracts to residents of such counties as are specified in its by-laws.

Section 6. Every doctor of medicine licensed to practice in this state under the provisions of the medical practice act and who is reputable and in good standing shall have the

right to become a participating physician in the medical service plan corporation operating in the county in which he resides or practices for general or special medical care, as the case may be, under such terms and conditions as are imposed on other participating physicians under similar circumstances. A medical service plan corporation shall impose no restrictions on the doctors of medicine who treat its subscribers as to methods of diagnosis or treatment. The private physician-patient relationship shall be maintained and a subscriber shall at all times have free choice of any doctor of medicine who is a participating physician in the corporation and who agrees to accept a particular beneficiary as a patient.

Section 7. To obtain a certificate of authority to operate a medical service plan a medical service plan corporation shall make application to the commissioner, submitting to him

(a) A certified copy of its charter or certificate of incorporation,

(b) A copy of its by-laws, certified by the lawful custodian of the original,

(c) A statement showing in full detail the plan or plans on which it proposes to transact business, including rates to be charged subscribers and benefits to accrue to them,

(d) A statement of the county or counties in which it proposes to operate medical service plans,

(e) Copies of the forms of contracts to be issued to subscribers,

(f) A copy of its proposed prospectus and advertising material to be used in the solicitation of contracts,

(g) A statement of the financial condition of the corporation in such form and detail and containing such matters as the commissioner shall require, signed and sworn to by its president and secretary, and

(h) Proof (satisfactory to the commissioner) that in the county or counties in which the corporation proposes to operate, 51 per cent or more of the resident doctors of medicine have agreed to render the medical services for which the corporation agrees to pay.

The commissioner shall issue a certificate of authority limited to the contracts and practices passed on by the commissioner, in such county or counties as he deems is in public interest on being satisfied on the following points:

(a) That the corporation has complied with the requirements of this act,

(b) That the solicitation of contracts by the corporation and its conditions or methods of operation are fair and reasonable,

(c) That the rates to be charged and the benefits to be provided are fair and reasonable to both the subscriber and to the corporation,

(d) That the amount of money actually available for working capital is sufficient to carry all acquisition costs and operating expenses for a reasonable period of time from the issuance of the certificate of authority, and is not less than $10,000,

(e) That the amounts contributed as working capital of a corporation are repayable only out of the surplus earnings of such corporation,

(f) That adequate and reasonable reserves to insure the majority of the contracts are provided, and

(g) That in the county or counties in which a corporation proposes to operate, 51 per cent or more of the resident doctors of medicine have agreed to render the medical services for which the corporation agrees to pay.

Section 8. After the issuance of a certificate of authority, the commissioner, as he deems in the public interest, may authorize or require a medical service plan corporation to solicit and fulfill contracts, to charge rates, to utilize soliciting methods, or to operate in a county or counties different from those on which the certificate of authority was based, provided, that such contracts and practices are in compliance with provisions of this act and are not violative of other laws of this state. Said authorization shall be deemed to be an amendment to the original certificate of authority.

The commissioner shall have power and authority to revoke or amend, after reasonable notice and hearing, any certificate, order, authority or consent made by him to a

medical service plan corporation on being satisfied (1) that the further solicitation of subscribers or further continuance of the practices in question will work a fraud on subscribers, or (2) that the rates charged or the benefits provided are not fair and reasonable to both the subscriber and the corporation. The commissioner may also cancel the authority of the corporation to transact business in any particular county if he shall find that less than 51 per cent of the eligible licensed doctors of medicine practicing in that county are participating physicians.

He shall have authority to make such investigations and examinations into the affairs of the corporation from time to time as he may deem best. He shall have the right to examine all the books, papers and documents that relate to the business of the corporation and may summon and qualify witnesses under oath and may examine the corporate officers, agents or employees or any other persons having knowledge of the affairs, transactions and conditions of the corporation.

Section 9. No medical service plan corporation shall enter into any contract with a subscriber until it (1) shall have filed with the commissioner a schedule of rates to be paid by a subscriber to each type of contract and (2) the commissioner shall have approved the rate for each type of contract.

Section 10. No subscription certificate shall be issued by any medical service plan corporation until the form thereof shall have been filed with and approved by the commissioner, together with all applications, riders and endorsements for use in connection with the issuance or renewal thereof.

Section 11. Every subscription contract shall constitute an agreement for one month from its effective date and shall be renewed thereafter each month, unless notice of election to terminate the same is given by the subscriber to Kentucky Medical Service Corporation, or by Kentucky Medical Service Corporation to the subscriber, not less than thirty days prior to the date of termination. This contract may exclude treatment for illness existing at it's inception.

Section 12. Every contract entered into by the medical service plan corporation and a subscriber shall be in writing and a certificate stating the terms and conditions thereof shall be furnished the subscriber. No such subscription certificate shall be issued unless it contains the following provisions:

(a) A statement of the amounts payable to the corporation by the subscriber and the times at which and manner in which such amounts shall be paid;

(b) A statement of the nature of the medical services to be paid for and the period during which the certificate is effective; and if there are any types of medical services to be excepted, a detailed statement of such exceptions printed as herein after specified;

(c) A statement of the terms or conditions, if any, upon which the certificate may be cancelled or otherwise terminated at the option of either patry;

(d) A statement that the subscription certificate constitutes the contract between the corporation and the subscriber and includes the endorsements thereon and attached papers, if any, and contains the entire contract;

(e) A statement that no statement by the subscriber in his application for a certificate shall void the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to the certificate, and that no agent or representative of such corporation, other than an officer or officers designated in the certificate, is authorized to change the contract or waive any of its provisions;

(f) A statement that if the subscriber defaults in making any payment under the certificate, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the certificate, but with respect to sickness and injury may cover only such sickness as may be first manifested more than a specified number of days, not exceeding ten, after the date of such acceptance;

(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall not be less than ten days; and

(h) A statement that indemnity in the form of cash will not be paid to any subscriber except in reimbursement for payments made by the subscriber to a physician and for which the corporation was liable at the time of such payment.

Section 13. In every such subscription certificate, referred to in the preceding section:

(a) All printed portions shall be plainly printed in type of which the face is not smaller than ten point;

(b) There shall be a brief description of the subscription certificate on its first page, and on its filing back in type of which the face is not smaller than fourteen point;

(c) The exceptions of the contract shall appear with the same prominence in the certificate as the benefits to which they apply; and

(d) If the contract contains any provisions purporting to make any portion of the articles of incorporation or of the by-laws of the corporation a part of the contract such portions shall be set forth in full in the subscription certificate.

Section 14. A medical service plan corporation may enter into agreements with physicians qualified as set out in section 6 under which such physicians become participating physicians of a plan operated by the corporation and may make to such physicians such payments as shall have accrued to them by reason of services performed under the plan and on behalf of the corporation by them. Payment for medical services shall be made only to a participating physician except that the corporation, in the case of emergency services, may reimburse any doctor of medicine, who would be eligible to become a participating physician, except for residence or state by which licensed, for services rendered to a subscriber in accordance with the rates adopted by the board of directors with respect to participating physicians. A medical service plan corporation may enter into contracts for the payment of medical services to the subscribers or member of similar nonprofit medical service plan corporation of other states subject to the supervision of other states and shall have the right to reimburse any other nonprofit medical service plan corporation or physicians of another state or of the counties

of this state in which a corporation does not transact business for services rendered to its subscribers, or beneficiaries named in the certificates issued to such subscribers at the same rate paid participating physicians under the certificate of the subscriber.

Section 15. No corporation subject to the provisions of this chapter shall disburse during any one calendar year more than ten per centum (10%) of the aggregate amount of payments received from subscribers during that year as expenditures for the solicitation of subscribers except that during the first year after the issuance of a certificate of authority such corporation may so disburse not more than twenty per centum (20%) of such amount and during the second year not more than fifteen per centum (15%).

Section 16. No such corporation shall disburse during any one year, a sum greater than twenty per centum (20%) of payments received from subscribers during that year as administrative expenses. The term "administrative expense" as used in this section shall include all expenditures for nonprofessional services and in general all expenses not directly connected with the payment for medical services, but not including expenses of soliciting subscriptions.

Section 17. The funds of any medical service plan corporation may be invested only in accordance with the requirements now or hereafter provided by law for the investment of funds of life insurance companies. Every medical service plan corporation after its first full calendar year of doing business shall accumulate and maintain a special contingent surplus over and above its reserves and liabilities at the rate of two per centum (2%) annually of its net premium income so long as the special contingent surplus does not exceed fifty-five per centum (55%) of its average annual income for the previous five years.

Section 18. A medical service plan corporation transacting business in this state shall file annually, on or before the first day of March, with the Department of Insurance a statement, subscribed and sworn to by its president and secretary, or in their absence, by two of its principal officers,

showing its financial condition at the close of business on the thirty-first day of December of the year last preceding, and showing its business transacted during that year, which statement shall be in such form and contain such matters as the commissioner shall prescribe; said commissioner may also require information from such a corporation or its officers in relation to its condition or affairs, or any matter connected with its transactions.

Section 19. A medical service plan corporation that neglects to make and file its annual statement in the form and within the time provided by the last preceding section, or neglects to reply in writing to inquiries of the commissioner of insurance within such reasonable time as may be specified by him, shall forfeit twenty-five dollars ($25.00) for each day's neglect and upon notice by the commissioner of insurance to that effect, its authority to do new business in this state shall cease while such default continues.

Section 20. Whenever a medical service plan corporation shall become insolvent or shall suspend its ordinary business for want of funds to carry on the same, or whenever the commissioner shall ascertain that the medical service plan corporation is exceeding its powers or violating the law or that its conditions or methods of business are such as to render the continuance of its operations hazardous to the public or its members, that its assets are less than its liabilities or, where the number of subscribers had decreased to the point where the overhead is greater than the income, to maintain the service, or that it has failed to maintain the practice of participating physicians specified by this act, said commissioner shall have authority to apply to (appropriate circuit court in Kentucky), for an injunction restraining it from the transaction of any further business, or from the transfer or disposal of its property in any manner whatsoever, and the court, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver, with power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tentements, books, papers, choses in action, bills, notes and property of every description belonging to such

medical service plan corporation and sell and convey and assign the same, and hold and dispose of the proceeds thereof under the directions of the (appropriate circuit court in Kentucky). Any such medical service plan corporation may be deemed insolvent whenever it is presently or prospectively unable to fulfill its outstanding contracts and to maintain the reserves required pursuant to this chapter.

Section 21. Every medical service plan corporation shall pay the following fees to the commissioner for enforcement of the provisions of this act, namely: for filing its application and charter, Five Dollars ($5.00); for filing each annual statement, Ten Dollars, ($10.00).

Section 22. Every medical service plan corporation shall mail annually to each subscriber a list of the names and addresses of all of the physicians and surgeons in the county of the subscriber's residence who have agreements with the corporation to act as participating physicians.

Section 23. A medical service plan corporation may, in its discretion, receive and accept from governmental or private agencies or from other persons as defined in this act, payments covering all or part of the cost of subscriptions to provide medical care for needy and other individuals. However, all contracts for medical care shall be between the medical service plan corporation and the person to receive such care.

Section 24. A medical service plan corporation shall not be liable for injuries resulting from negligence, misfeasance, malfeasance, nonfeasance or malpractice on the part of any officer or employee of the corporation or on the part of any physician in the course of rendering medical services to beneficiaries.

Section 25. A medical service plan corporation is hereby declared to be a charitable and benevolent institution and its funds and property shall be exempt from taxation by the state, or any political subdivision thereof.

Section 26. Any person, or any agent or officer of the corporation who violates any provisions of this act, or who makes any false statement with respect to any report or

statement required by this act or required by the commissioner under this act shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided by the laws of this state for misdemeanor.

Section 27. Nothing in this act shall be construed so as to modify, vary or repeal any law now in force relating to the practice of medicine and surgery excepting only as they are inconsistent with the provisions of this act.

Section 28. Any dispute or controversy arising between a medical service plan corporation and any participating physician, or any physician desiring to bcome a participating physician, or any subscriber, or any person whose subscription certificate has been cancelled or to whom the corporation has refused to issue such a certificate, may within thirty days after such dispute or controversy arises be submitted by the person allegedly aggrieved to the commissioner who shall have the power to hear and decide same, subject to appeal to the Franklin circuit court of Kentucky. All service and filing to such disputes or controversies shall be had on the commissioner.

Section 29. The provisions of this act shall be severable and if any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 30. This act may be cited as the Medical Service Plan Act, 1946.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. As used in this Act, unless the context requires otherwise, "Director" means the Director of Division of Insurance.

2. As used in this Act, unless the context requires otherwise, "Medical service" means the general and usual services

rendered and care administered by doctors of medicine. It shall not include hospital services, nursing services, the furnishing of drugs, services rendered under the Workmen's Compensation Act, or services rendered to a group under a plan that is mutually acceptable to that group and to those furnishing medical service.

3. "Medical Service plan" means a plan or arrangement under which medical services are, or may be rendered to a subscriber by a licensed physician and surgeon at the expense of a medical service plan corporation.

4. A medical service plan corporation shall be exempt from all provisions of the insurance laws of this state, except as otherwise specially provided in this Act. No amendment to the insurance laws shall apply to medical service plan corporations, unless the amendment specifically so states.

5. A "participating physician" means a doctor of medicine licensed to practice medicine or surgery in this state under the provisions of Medical Practice Act who agree in writing with the medical service plan corporation to perform the medical services specified by the corporation and at such rates of compensation as will be determined by the Board of Directors of the corporation and who agrees to abide by the by-laws, rules and regulations of the corporation.

6. Every doctor of medicine licensed to practice in this state under the provisions of the Medical Practice Act and who is reputable and in good standing shall have the right to become a participating physician in the medical service plan corporation operating in the county in which he resides or practices for general or special medical care as the case may be under such terms and conditions as are imposed on other participating physicians under similar circumstances. A medical service plan corporation shall impose no restrictions on the doctors of medicine who treat its subscribers as to methods of diagnosis or treatment. The private physician-patient relationship shall be maintained and the subscriber shall at all times have free choice of any doctor of medicine who is a participating physician in the corporation and who agrees to accept a particular beneficiary as a patient.

7. A corporation may be organized as a medical service plan corporation under the provisions of Chapter 273 KRS

to operate under a medical service plan and to render limited or unlimited medical service as herein provided.

8. The articles of incorporation of every medical service plan corporation shall be presented to both the Director and the State Board of Health for approval. The approval shall be endorsed in writing before the articles are filed in the office of the Secretary of State or recorded in the County Clerk's Office.

Before the State Board of Health and the Director shall approve said articles of incorporation, they shall determine that the proposed corporation is for convenience and necessity and in the public interest.

9. No contract for medical service shall be issued to contract holders until it has been approved in writing by the State Board of Health. No participating physician shall enter into any contract until the contract has been approved in writing by the State Board of Health.

10. No medical service plan corporation shall operate in any county unless 51% of the eligible licensed doctors of medicine, practicing in that county, are participating physicians.

11. The rate to be charged by a medical service plan corporation to the contract holders for medical service shall be filed with the Director and shall at all times be subject to the approval of the Director.

In order that the corporation may remain solvent, all costs or expenses in connection with the conduct of the corporation, including salaries, commission, expense allowances, solicitation of subscribers and overhead shall at all times be subject to the approval of the Director. No payment shall be made by the corporation except for medical services or for services actually rendered in the operation of the corporation.

12. KRS. 298.180 to 298.230 in regard to insurance agents, and KRS 298.150 and 298.160, providing penalties for violations and for suspension and revocation of license of agents and prohibiting unauthorized insurance companies doing business in this state and that the contracts shall be valid nevertheless, shall apply to medical service plan corporations and their agents.

Every medical service plan corporation shall annually as of March 1st file in the office of the Director a statement verified by at least two of the principal officers of the corporation, showing its financial condition on December 31st, next preceding, which shall be in the form and contain the matters prescribed by the Director. The Director or any person he so designates may examine the affairs of any medical service plan corporation and have free access to all the books, papers and documents that relate to the business of the corporation. They may summon and qualify a witness under oath to examine its officers, agents, or employees or other persons in relation to the affairs and transactions and conditions of the corporation.

The cost of the examination shall be paid by the corporation as provided by law for the examination of insurance companies.

13. No medical service plan corporation shall begin business until it has deposited with the Custodian of Insurance Securities, securities acceptable to him in the sum of $10,000.00 to insure that it will faithfully comply with its contracts for medical service. This security shall remain on deposit during the corporate life of the corporation.

Reasonable additional security may be required by the Director after the corporation has written contracts in excess of five thousand in number.

14. The funds of the corporation shall be invested only in securities permitted by the laws of this state for investment of assets of life insurance companies.

15. Nothing in this Act shall be construed to modify, vary or repeal any law now in force relating to the practice of medicine and surgery, excepting only as they are inconsistent with the provisions of this Act.

16. Any dissolution or liquidation of a medical service plan corporation shall be in accordance with KRS 296.050 to 296.070 and 296.140 relating to insurance companies.

Said Substitute was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	Kerby Jennings	E. F. Prichard
F. H. Bassett, Jr.	Paul Jonas	Hobart Rayburn
Jack Bingham	Edgar Kitchen	Kelse H. Risner
B. J. Bonn	Homer E. Losey	Amos Runyan
J. C. Bradley	A. L. Love	J. W. Simmons
B. K. Brantley	H. K. Lowman	Luther Slusher
John Y. Brown	E. J. Lucas	Forrest Smith
Mrs. Mary Burnett	E. H. Martin	W. R. Smith
W. K. Coleman	W. E. McClure	E. A. Spencer
Fred Creasey	Jack McPherron	Paul J. Stapleton
Adron Doran	J. L. Moore	Geo. W. Steinford
G. I. Drury	J. Lee Moore	E. L. Thompson
Henry J. Giles	Fred Morgan	Ray G. Tipton
Tom Gilliam	E. C. Mullins	E. N. Todd
M. B. Gilligan	Rodes K. Myers	Walter L. Trivette
Otto W. Goff	Joe E. Nunn	S. J. Wagner
R. M. Hall	Louis T. Peniston	Harry F. Walters
Jerry F. Howell	Sylvester Phillips	W. W. Webster
J. J. Huff	L. W. Preston	Rodney Whitlow
W. H. Hunt		—58

Those who voted in the negative were—

Harold L. Barnes	Forest C. Easley	Ira W. Hulette
Ott Begley	Eck Embry	G. O. Kirkpatrick
Chas. W. Burnley	A. H. Eversole	Wade H. Riley
E. R. Denny	E. R. Hilton	—11

Resolved that the title thereof be as amended.

Mr. Prichard moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 15. An Act relating to county police forces.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 70.560 of the Kentucky Revised Statutes, 1944 Edition, is amended to read as follows:

(1) The fiscal courts of the respective counties shall, by order, fix the salaries or compensation of the chief and all other appointees or employes appointed by the county judge in accordance with the provisions of KRS 70.540, within the following limits:

(a) In counties having a population of 200,000 or more no patrolman shall be paid more than $2040 per annum, no sergeant shall be paid more than $2280 per annum, no captain shall be paid more than $2700 per annum, no assistant chief shall be paid more than $3300 per annum and no chief shall be paid more than $4,000 per annum.

(b) In counties having a population less than 200,000 and more than 72,000, no patrolman shall be paid more than $1800 per annum, no captain shall be paid more than $2100 per annum, no assistant chief shall be paid more than $2700 per annum, and no chief shall be paid more than $3600 per annum.

(c) In counties having a population of not more than 72,000 but more than 25,000 the salary of any person appointed under KRS 70.540 shall not exceed $1800 per annum, and in all other counties the salary of any person so appointed shall not exceed $25 per annum.

(2) The salaries or compensation provided for in this section shall be payable out of the county levy, and, except in counties having a population of 25,000 or less, shall be paid in equal monthly installments. No fees or other compensation shall be paid or advanced to any of the officers or members of a county police force:

(3) The fiscal courts may within their discretion also provide for motor vehicles, stations, substations, places of detention, telephone, wireless, radio or other means of communication, and make appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of the county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for the county police force.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length having been dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Henry Arrowood	Ira W. Hulette	J. C. Newcomb
Ott Begley	Kerby Jennings	Joe E. Nunn
Jack Bingham	Paul Jonas	Sylvester Phillips
B. K. Brantley	L. H. Jones	Hobart Rayburn
John Y. Brown	G. O. Kirkpatrick	W. R. Smith
E. R. Denny	Edgar Kitchen	E. A. Spencer
Bernie S. Edlin	Homer E. Losey	Paul J. Stapleton
Eck Embry	E. J. Lucas	Geo. W. Steinford
R. R. Ernst	E. H. Martin	Ray G. Tipton
A. H. Eversole	Jack McPherron	E. N. Todd
R. M. Hall	J. L. Moore	Lyle H. Webb
C. L. Hammonds	Joe T. Morgan	Lawrence Wells
Harold G. Helm	E. C. Mullins	Rodney Whitlow
Maurice Howard		

—40

Those who voted in the negative were—

Roy W. Arnold	B. J. Bonn	Fred Creasey
F. O. Baker	J. C. Bradley	S. J. Daugherty
Harold L. Barnes	Mrs. Mary Burnett	Adron Doran
F. H. Bassett, Jr.	Chas. W. Burnley	G. I. Drury
W. G. Biggers	W. K. Coleman	Forest C. Easley

Tom Gilliam	Fred Morgan	E. L. Thompson
M. B. Gilligan	Rodes K. Myers	Walter L. Trivette
Otto W. Goff	Louis T. Peniston	S. J. Wagner
E. R. Hilton	L. W. Preston	Harry F. Walters
Clyde S. Howard	E. F. Prichard	W. W. Webster
Jerry F. Howell	Wade H. Riley	Geo. J. Weining
A. L. Love	Kelse H. Risner	Morris Weintraub
W. E. McClure	J. W. Simmons	John Wilborn
Harry L. Moore	Forrest Smith	Mr. Speaker
J. Lee Moore	Ralph G. Stone	—45

Mr. Howell moved that the vote by which said bill was rejected, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration, a bill entitled:

H. B. 158. An Act relating to assistant county attorneys in certain counties.

With amendments thereto as proposed and adopted by the Senate.

Which was reported to this House on yesterday.

(For bill see House Journal of February 21)

Said amendments as proposed and adopted by the Senate are as follows, viz.:

1. Amend H. B. 158 in Senate by striking the words "second class" in line 2 of Sec. 1 on page 1, and in line 4 of Sec. 2 on page 2 and inserting in lieu thereof the words "second third or fourth class."

2. Amend H. B. 158 in Senate by striking out in line 7 the words "county levy" and inserting in lieu thereof the words "fees received by the County Attorney."

Said amendments were then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Otto W. Goff	L. W. Preston
Henry Arrowood	R. M. Hall	E. F. Prichard
F. O. Baker	C. L. Hammonds	Hobart Rayburn
Harold L. Barnes	Maurice Howard	Wade H. Riley
F. H. Bassett, Jr.	Jerry F. Howell	Kelse H. Risner
Ott Begley	Ira W. Hulette	Amos Runyan
W. G. Biggers	W. H. Hunt	Luther Slusher
Jack Bingham	Kerby Jennings	Forrest Smith
B. J. Bonn	Paul Jonas	W. R. Smith
J. C. Bradley	G. O. Kirkpatrick	Paul J. Stapleton
B. K. Brantley	Edgar Kitchen	Geo. W. Steinford
John Y. Brown	Homer E. Losey	Ralph G. Stone
Mrs. Mary Burnett	A. L. Love	E. L. Thompson
Chas. W. Burnley	E. H. Martin	Ray G. Tipton
W. K. Coleman	Jack McPherron	E. N. Todd
Fred Creasey	Harry L. Moore	Walter L. Trivette
L. A. Demumbrun	J. L. Moore	Harry F. Walters
G. I. Drury	J. Lee Moore	W. W. Webster
Forest C. Easley	Fred Morgan	Geo. J. Weining
R. R. Ernst	E. C. Mullins	Morris Weintraub
Henry J. Giles	Joe E. Nunn	Rodney Whitlow
Tom Gilliam	Louis T. Peniston	John Wilborn

—66

Those who voted in the negative were—

E. R. Denny	E. R. Hilton	W. E. McClure
Eck Embry		

—4

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

A message was received from the Senate announcing

that they had passed a bill which originated in that body entitled:

S. B. 220. An Act relating to monies paid under Federal Flood Control.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Finance is authorized to receive and distribute sums paid to this state, for the benefit of particular counties of this state, under the Federal Flood Control Act of June 28, 1938, as amended. The Department of Finance shall keep a sparate account of such funds and shall issue its warrant upon the State Treasurer, in favor of the county treasurer of the county which is entitled to the money, and the State Treasurer shall thereupon issue his check against said funds in favor of said county treasurer, for the amount thereof.

Ordered that said bill be printed and referred

To the Committee on Rules.

And that they had passed a bill which originated in this House, entitled:

H. B. 98. An Act relating to bonds of state officers and employes.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

And that they had passed a bill which originated in this House, entitled:

H. B. 160. An Act relating to fences.

With amendments thereto as proposed and adopted by the Senate.

(For bill see House Journal of February 18)

Said amendments as proposed and adopted by the Senate, are as follows, viz.:

Amend H. B. 160 on page 2 thereof by striking the period on line 21 and inserting in lieu thereof the following:

When such lien has been duly recorded in the County Court Clerk's office of the County in which the land, or a major part thereof, is situated.

Said amendment was then concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	C. L. Hammonds	Joe E. Nunn
Harold L. Barnes	Harold G. Helm	Louis T. Peniston
F. H. Bassett, Jr.	E. R. Hilton	L. W. Preston
Ott Begley	Clyde S. Howard	E. F. Prichard
W. G. Biggers	Maurice Howard	Hobart Rayburn
Jack Bingham	Jerry F. Howell	Kelse H. Risner
B. J. Bonn	J. J. Huff	Amos Runyan
J. C. Bradley	Ira W. Hullette	Luther Slusher
John Y. Brown	W. H. Hunt	Forrest Smith
Mrs. Mary Burnett	Kerby Jennings	W. R. Smith
Chas. W. Burnley	Paul Jonas	E. A. Spencer
Fred Creasey	L. H. Jones	Paul J. Stapleton
S. J. Daugherty	G. O. Kirkpatrick	Geo. W. Steinford
L. A. Demumbrun	Edgar Kitchen	Ralph G. Stone
E. R. Denny	Homer E. Losey	E. L. Thompson
Adron Doran	A. L. Love	Ray G. Tipton
G. I. Drury	E. H. Martin	E. N. Todd
Eck Embry	Jack McPherron	Walter L. Trivette
R. R. Ernst	Harry L. Moore	Harry F. Walters
A. H. Eversole	J. L. Moore	W. W. Webster
Henry J. Giles	J. Lee Moore	Morris Weintraub
Otto W. Goff	Joe T. Morgan	Lawrence Wells
R. M. Hall	Rodes K. Myers	John Wilborn

—69

There voted in the negative—

Wade H. Riley —1

Mr. Howell moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 212. An Act to amend Sections 64.120 and 70.030 KRS which act relates to sheriffs in certain counties in this Commonwealth.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky that Section 64.120 and Section 70.030 relating to sheriffs in certain counties in this Commonwealth be amended and re-enacted so that said sections shall read as follows:

SECTION 64.120: (1) The sheriff of each county having an assessed value of more than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second-class city shall be paid a salary of $5,000 per annum. The fiscal court may pay all the necessary expenses incident to the proper performance of the duties of the office of the sheriff including the payment of the premium on his revenue bond.

(2) The sheriff shall, at the end of each month, furnish the fiscal court a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the county treasurer the total amount collected by him. The fiscal court shall pay the sheriff his annual salary in monthly

installments out of the general fund of the county treasury, and if approved shall pay the expenses incurred by him during the preceding month out of the same fund and in the same manner.

SECTION 70.030: Deputy Sheriffs. (1) Except as provided in subsections (2) and (3), the sheriff may, with the approval of the county court, appoint his own deputies, and may revoke the appointment at his pleasure. Before any deputy executes the duties of his office he shall take the oath required to be taken by the sheriff.

(2) The sheriff of each county having an assumed value of more than $100,000,000, containing a population of less than 75,000, comprising a separate judicial district, and containing a second class city, may appoint such deputies and clerical assistants, subject to the approval of the fiscal court, as are necessary for the proper performance of the duties of his office. The sheriff with the approval of the fiscal court shall fix the salaries of the deputies and clerical assistants, but the salaries of all deputies and clerical assistants and expenses provided for under Section 64.120 shall not exceed the sum of $25,000 in any year. The fiscal court shall pay the annual salaries of the deputies, clerical assistants' expenses in monthly installments out of the county treasury.

(3) In each county containing a population of 75,000 or over, the number of deputies allowed to the sheriff and the compensation allowed to each deputy, shall be fixed by an order entered upon the order book of the circuit court and county court, and signed by a majority of the judges of said courts. A certified copy of the order, and of any subsequent changes therein, shall, as soon as entered, be forwarded to the Department of Finance. In counties containing a population of 75,000 or over and up to 200,000, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $2,500 per annum, and the salary of each other deputy sheriff shall be fixed at a reasonable amount not exceeding $2,000 per annum. In counties having a population of 200,000 or more, the salary of the chief deputy sheriff shall be fixed at a reasonable amount not exceeding $3,000 per annum, the salary of one deputy sheriff, who shall act as process clerk, shall be fixed at a reasonable amount not to exceed

$2,500 per annum, and the salary of each of the other deputy sheriffs shall be fixed at a reasonable amount not exceeding $2,000 per annum. All acts and parts of acts in conflict herewith are hereby repealed.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Roy W. Arnold	Paul Jonas	Luther Slusher
F. H. Bassett, Jr.	B. F. Kincaid	W. R. Smith
W. G. Biggers	Jack McPherron	E. A. Spencer
B. J. Bonn	Harry L. Moore	Paul J. Stapleton
John Y. Brown	J. Lee Moore	Ralph G. Stone
W. K. Coleman	Joe T. Morgan	Ray G. Tipton
S. J. Daugherty	E. C. Mullins	E. N. Todd
R. R. Ernst	J. C. Newcomb	Walter L. Trivette
Henry J. Giles	Louis T. Peniston	Harry F. Walters
M. B. Gilligan	Sylvester Phillips	Lyle H. Webb
Otto W. Goff	Hobart Rayburn	Morris Weintraub
R. M. Hall	Wade H. Riley	Rodney Whitlow
Harold G. Helm	Kelse H. Risner	—40
Ira W. Hulette	Amos Runyan	

Those who voted in the negative were—

F. O. Baker	E. R. Hilton	W. E. McClure
Harold L. Barnes	Maurice Howard	J. L. Moore
Ott Begley	J. J. Huff	Fred Morgan
Mrs. Mary Burnett	Kerby Jennings	Rodes K. Myers
Chas. W. Burnley	L. H. Jones	L. W. Preston
Fred Creasey	G. O. Kirkpatrick	E. F. Prichard
L. A. Demumbrun	Edgar Kitchen	Forrest Smith
E. R. Denny	Homer E. Losey	E. L. Thompson
Eck Embry	A. L. Love	W. W. Webster
A. H. Eversole	H. K. Lowman	Lawrence Wells
Tom Gilliam	E. H. Martin	—32

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in this House, entitled:

H. B. 94. An Act relating to the expenses of elections.

H. B. 128. An Act relating to ad valorem taxation of the right to receive income, etc.

H. B. 150. An Act relating to fees and commissions allowed county court clerks.

H. B. 208. An Act to establish a portion of the boundary line between Knox and Laurel Counties.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 386. An Act authorizing cities of the 4th class to acquire land by purchase or condemnation for the purposes of straightening or widening any creek or creeks, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Cities of the fourth class in this Commonwealth are hereby authorized and empowered to acquire land by purchase or condemnation for the purpose of straightening or widening any creek or creeks running through the cor-

porate limits of the city to prevent or lessen the overflow thereof and consequent damage to any street or alley or parts of any street or alley therein or the health of its inhabitants; and, if any land for this purpose cannot be acquired by the city by purchase, the legislative body of such city may adopt an ordinance declaring the necessity for the acquisition of such land for any of the above stated purposes and authorizing and directing the institution of proceedings to condemn the property.

Section 2. Such condemnation proceedings shall be in accordance with Sections 416.010 to 416.080 of the Kentucky. Revised Statutes.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Harold L. Barnes	Otto W. Goff	J. L. Moore
F. H. Bassett, Jr.	R. M. Hall	J. Lee Moore
Ott Begley	Harold G. Helm	Fred Morgan
W. G. Biggers	E. R. Hilton	Joe T. Morgan
B. J. Bonn	Maurice Howard	E. C. Mullins
J. C. Bradley	J. J. Huff	Rodes K. Myers
John Y. Brown	Ira W. Hulette	J. C. Newcomb
Chas. W. Burnley	Kerby Jennings	Joe E. Nunn
W. K. Coleman	Paul Jonas	Louis T. Peniston
Fred Creasey	B. F. Kincaid	Sylvester Phillips
S. J. Daugherty	G. O. Kirkpatrick	L. W. Preston
L. A. Demumbrun	Edgar Kitchen	E. F. Prichard
Forest C. Easley	A. L. Love	Hobart Rayburn
Eck Embry	H. K. Lowman	Wade H. Riley
R. R. Ernst	E. H. Martin	Kelse H. Risner
Henry J. Giles	W. E. McClure	Amos Runyan
Tom Gilliam	Jack McPherron	J. W. Simmons
M. B. Gilligan	Harry L. Moore	Luther Slusher

Forrest Smith	E. L. Thompson	Lyle H. Webb
W. R. Smith	Ray G. Tipton	W. W. Webster
E. A. Spencer	E. N. Todd	Geo. J. Weining
Paul J. Stapleton	Walter L. Trivette	Morris Weintraub
Geo. W. Steinford	S. J. Wagner	—68

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 263. An Act authorizing circuit judges in counties containing cities of the second class to appoint a secretary to the master commissioner of said court, etc.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The circuit judge in counties containing a city of the second class may appoint a secretary to the master commissioner of the circuit court. The secretary shall be skilled in stenographic reporting and shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed at the pleasure of the circuit judge.

(2) The secretary, before entering upon the discharge of his duties, shall take an oath before the judge of the court for which he is appointed to faithfully discharge the duties of his office. The appointment of the secretary and the fact of his having qualified shall be entered upon the order book of the court.

(3) The secretary shall receive a salary of not less than $1,200.00 nor more than $2,400.00 per annum, to be fixed by the fiscal court and paid in monthly installments by the county.

(4) Upon any trial or proceeding before the master commissioner if either party requests the services of the secretary, or if, in the opinion of the circuit judge or master commissioner, the testimony should be preserved, the judge or master commissioner shall direct the secretary to, and the secretary shall, take full stenographic notes of the proceedings. The secretary shall receive for making transcripts thirty cents per page for original copies and twelve and one-half cents for each duplicate thereof. The fee for making any transcript or duplicate shall be paid by the party upon whose motion the transcript or duplicate is made, such fees to be taxed as part of the costs in the action.

(5) In counties containing a city of the second class where the circuit court has more than one judge, the secretary to the master commissioner shall be appointed upon the concurrence of the judges.

Ordered that the said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	R. M. Hall	J. Lee Moore
F. H. Bassett, Jr.	E. R. Hilton	E. C. Mullins
W. G. Biggers	J. J. Huff	Rodes K. Myers
B. J. Bonn	Ira W. Hulette	Joe E. Nunn
J. C. Bradley	Kerby Jennings	L. W. Preston
John Y. Brown	Paul Jonas	Wade H. Riley
Chas. W. Burnley	B. F. Kincaid	Kelse H. Risner
W. K. Coleman	G. O. Kirkpatrick	Amos Runyan
Bernie S. Edlin	Edgar Kitchen	J. W. Simmons
R. R. Ernst	H. K. Lowman	Luther Slusher
Henry J. Giles	E. H. Martin	Forrest Smith
Tom Gilliam	Jack McPherron	Paul J. Stapleton
Otto W. Goff	J. L. Moore	Geo. W. Steinford

Ralph G. Stone	Walter L. Trivette	Geo. J. Weining
E. L. Thompson	S. J. Wagner	Morris Weintraub
Ray G. Tipton	Lyle H. Webb	John Wilborn
E. N. Todd	W. W. Webster	—50

Those who voted in the negative were—

Roy W. Arnold	E. R. Denny	A. L. Love
Harold L. Barnes	L. H. Jones	Lawrence Wells
		—6

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules,

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 378. An Act relating to restrictions on conveyance or encumbrance of water works or lighting systems in cities of second, third, fourth, fifth or sixth classes.

Said bill is as follows, viz.:

Be it enacted of the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 96.540 of the Kentucky Revised Statutes be and the same is hereby amended so that it shall read as follows:

(1) No city of the Second, Third, Fourth, Fifth or Sixth Class that owns a water works system, lighting system by gas or electricity, or any other public utility, shall sell, convey, lease or encumber the system or the income therefrom without the assent of two-thirds of the total number of legal voters of the city voting at an election held for that purpose, after sixty consecutive days' notice of the election next before the

date of the election has been published in the newspaper having the largest circulation in the city. If, in the case of a city of the fourth, fifth or sixth class, no newspaper is published in the city, notice shall be given by handbills posted up in at least ten public places in the city for not less than sixty days prior to the date of the election.

(2) In the case of a city of the fourth, fifth or sixth class the election shall be ordered and the election officers shall be selected by the city legislative body, the ballots shall be provided by the city clerk and a tabulation of the vote shall be done by the city legislative body in the presence of the mayor; in all other respects the election shall be conducted under the regular election laws.

(3) This section shall not apply to the issuance of revenue bonds under the provisions of KRS 96.350 to 96.520.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

F. O. Baker	M. B. Gilligan	E. H. Martin
F. H. Bassett, Jr.	Otto W. Goff	Jack McPherron
Jack Bingham	R. M. Hall	J. L. Moore
B. J. Bonn	Harold G. Helm	J. Lee Moore
J. C. Bradley	E. R. Hilton	E. C. Mullins
John Y. Brown	Clyde S. Howard	Rodes K. Myers
Chas. W. Burnley	Maurice Howard	Joe E. Nunn
W. K. Coleman	J. J. Huff	Louis T. Peniston
S. J. Daugherty	Ira W. Hulette	Sylvester Phillips
L. A. Demumbrun	B. F. Kincaid	E. F. Prichard
Forest C. Easley	G. O. Kirkpatrick	Hobart Rayburn
R. R. Ernst	Edgar Kitchen	Wade H. Riley
Henry J. Giles	A. L. Love	Kelse H. Risner
Tom Gilliam	H. K. Lowman	Amos Runyan

J. W. Simmons	E. L. Thompson	Harry F. Walters
Forrest Smith	Ray G. Tipton	Geo. J. Weining
E. A. Spencer	E. N. Todd	Morris Weintraub
Paul J. Stapleton	Walter L. Trivette	Lawrence Wells
Geo. W. Steinford	S. J. Wagner	John Wilborn

—57

There voted in the negative—

Harold L. Barnes —1

Resolved that the title thereof be as aforesaid.

Mr. Brown moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Brown moved that the Rules of this House be suspended for the purpose of introducing a bill.

Said motion was agreed to.

Thereupon, Mr. Brown offered a bill of the following title, viz.:

H. B. 509. An Act relating to tax for maintenance of a home in each county containing a city of the first class for children who are dependent.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 201.170, Kentucky Revised Statutes, be amended and re-enacted so that it shall read as follows:

201.170. In order to provide money for maintaining the home and for carrying out the purpose of this chapter other than those named in Section 201.160, Kentucky Revised Statutes, the fiscal court of the county in which the home is established, and the legislative body of the city of the first class shall levy and collect a tax on each one hundred dollars' worth of taxable property in the county and city, respectively,

as determined by the last regular assessment. Such tax shall be such number of cents, not exceeding ten cents, on each one hundred dollars' worth of said taxable property as in the judgment of the said fiscal court and said legislative body shall be reasonably necessary for said purposes. All funds derived from such levies and collections shall be paid over to the board for the purposes mentioned in this section.

Ordered that said bill be printed and referred

To the Committee on Rules.

Mr. Howell of the Committee on Rules to which the same had been referred, reported bills of the following titles, viz.:

H. B. 507. An Act providing for the distribution of school equalization funds.

H. B. 508. An Act providing for a Commission to make a factual and comprehensive survey of the Educational System of Kentucky.

S. Res. 50. Resolution authorizing Andrew J. Riley to sue the Commonwealth.

S. B. 118. An Act relating to unemployment compensation.

S. B. 122. An Act making provisions for a Department of Banking.

S. B. 164. An Act regulating the practice of public accounting.

S. B. 178. An Act authorizing the establishment and erection of memorials in honor of veterans of World War II.

S. B. 187. An Act authorizing counties and cities to condemn land for flood control purposes.

S. B. 190. An Act relating to landlord's liens.

H. B. 509. An Act relating to tax for maintenance of home for dependent children.

S. B. 206. An Act to provide for the construction, maintenance and operation of flood control systems by all the cities of the Commonwealth.

S. B. 210. An Act enabling the Kentucky Unemployment Compensation to acquire a site, erect a building and to issue bonds.

S. B. 189. An Act relating to ordinances and resolutions by cities of the first class.

S. B. 188. An Act relating to the office of assessor in cities of the first class.

S. B. 220. An Act relating to monies paid under Federal Flood Control.

With the expression of opinion that said bills ought to pass.

Said bills and resolutions were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Brown moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.